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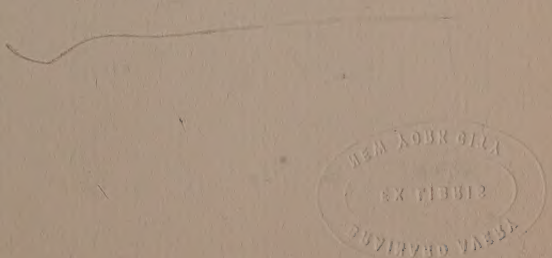

THE INDEPENDENCE EDITION

OF THE

WRITINGS OF THOMAS PAINE

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No. 132

MADAME ROLAND

Photogravure from the Original Painting
by Jules Goupil

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Photogravure from the Original Painting
by Jules Goupil

LIFE AND WRITINGS of THOMAS PAINE

CONTAINING A BIOGRAPHY BY THOMAS CLIO RICKMAN AND APPRECIATIONS BY LESLIE STEPHEN, LORD ERSKINE, PAUL DESJARDINS, ROBERT G. INGERSOLL, ELBERT HUBBARD AND MARILLA M. RICKER

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EDITED AND ANNOTATED BY
DANIEL EDWIN WHEELER

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ESSAYS, LETTERS, AND POEMS

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ESSAYS, LETTERS, AND POEMS

AGRARIAN JUSTICE

Author's Inscription

To the Legislature and the Executive Directory of the French Republic

THE plan contained in this work is not adapted for any particular country alone: the principle on which it is based is general. But as the rights of man are a new study in this world, and one needing protection from priestly imposture, and the insolence of oppressions too long established, I have thought it right to place this little work under your safeguard.

When we reflect on the long and dense night in which France and all Europe have remained plunged by their governments and their priests, we must feel less surprise than grief at the bewilderment caused by the first burst of light that dispels the darkness. The eye accustomed to darkness can hardly bear at first the broad daylight. It is by usage the eye learns to see, and it is the same in passing from any situation to its opposite.

As we have not at one instant renounced all our errors, we cannot at one stroke acquire knowledge of all our rights. France has had the honor of adding to the word *Liberty* that of *Equality;* and this word signifies essentially a principle that admits of no gradation in the things to which it applies. But equality is often misunderstood, often misapplied, and often violated.

Liberty and *Property* are words expressing all those of our possessions which are not of an intellectual nature. There are two kinds of property. Firstly, natural property, or that which comes to us from the Creator of the universe—such as the earth, air, water. Secondly, artificial or acquired property—the invention of men.

In the latter, equality is impossible; for to distribute it equally it would be necessary that all should have contributed in the same proportion, which can never be the case; and this being the case, every individual would hold on to his own property, as his right share. Equality of natural property is the subject of this little essay. Every individual in the world is born therein with legitimate claims on a certain kind of property, or its equivalent.

The right of voting for persons charged with

the execution of the laws that govern society is inherent in the word liberty, and constitutes the equality of personal rights. But even if that right (of voting) were inherent in property, which I deny, the right of suffrage would still belong to all equally, because, as I have said, all individuals have legitimate birthrights in a certain species of property.

I have always considered the present Constitution of the French Republic the *best organized system* the human mind has yet produced. But I hope my former colleagues will not be offended if I warn them of an error which has slipped into its principle. Equality of the right of suffrage is not maintained. This right is in it connected with a condition on which it ought not to depend; that is, with a proportion of a certain tax called "direct."

The dignity of suffrage is thus lowered; and, in placing it in the scale with an inferior thing, the enthusiasm that right is capable of inspiring is diminished. It is impossible to find any equivalent counterpoise for the right of suffrage, because it is alone worthy to be its own basis, and cannot thrive as a graft, or an appendage.

Since the Constitution was established we have seen two conspiracies stranded—that of

Babeuf, and that of some obscure personages who decorate themselves with the despicable name of "royalists." The defect in principle of the Constitution was the origin of Babeuf's conspiracy.

He availed himself of the resentment caused by this flaw, and instead of seeking a remedy by legitimate and constitutional means, or proposing some measure useful to society, the conspirators did their best to renew disorder and confusion, and constituted themselves personally into a Directory, which is formally destructive of election and representation. They were, in fine, extravagant enough to suppose that society, occupied with its domestic affairs, would blindly yield to them a directorship usurped by violence.

The conspiracy of Babeuf was followed in a few months by that of the royalists, who foolishly flattered themselves with the notion of doing great things by feeble or foul means. They counted on all the discontented, from whatever cause, and tried to rouse, in their turn, the class of people who had been following the others. But these new chiefs acted as if they thought society had nothing more at heart than to maintain courtiers, pensioners, and all their train, under the contemptible title of royalty. My little es-

say will disabuse them, by showing that society is aiming at a very different end—maintaining itself.

We all know or should know, that the time during which a revolution is proceeding is not the time when its resulting advantages can be enjoyed. But had Babeuf and his accomplices taken into consideration the condition of France under this Constitution, and compared it with what it was under the tragical revolutionary government, and during the execrable Reign of Terror, the rapidity of the alteration must have appeared to them very striking and astonishing. Famine has been replaced by abundance, and by the well-founded hope of a near and increasing prosperity.

As for the defect in the Constitution, I am fully convinced that it will be rectified constitutionally, and that this step is indispensable; for so long as it continues it will inspire the hopes and furnish the means of conspirators; and for the rest, it is regrettable that a Constitution so wisely organized should err so much in its principle. This fault exposes it to other dangers which will make themselves felt.

Intriguing candidates will go about among those who have not the means to pay the direct

tax and pay it for them, on condition of receiving their votes. Let us maintain inviolably equality in the sacred right of suffrage: public security can never have a basis more solid. *Salut et Fraternité.*

Your former colleague,

THOMAS PAINE.

AUTHOR'S ENGLISH PREFACE

THE following little piece was written in the winter of 1795 and '96; and, as I had not determined whether to publish it during the present war, or to wait till the commencement of a peace, it has lain by me, without alteration or addition, from the time it was written.

What has determined me to publish it now is a sermon preached by Watson, Bishop of Llandaff. Some of my readers will recollect, that this Bishop wrote a book entitled "An Apology for the Bible," in answer to my second part of the "Age of Reason." I procured a copy of his book, and he may depend upon hearing from me on that subject.

At the end of the Bishop's book is a list of the works he has written. Among which is the sermon alluded to; it is entitled: "The Wisdom and Goodness of God, in having made both Rich and Poor; with an Appendix, containing Reflections on the Present State of England and France."

The error contained in this sermon determined me to publish my "Agrarian Justice." It is wrong to say God made *rich* and *poor;* He made

only *male* and *female;* and He gave them the earth for their inheritance.

Instead of preaching to encourage one part of mankind in insolence . . . it would be better that priests employed their time to render the general condition of man less miserable than it is. Practical religion consists in doing good: and the only way of serving God is, that of endeavoring to make His creation happy. All preaching that has not this for its object is nonsense and hypocrisy.

THOMAS PAINE.

AGRARIAN JUSTICE

TO preserve the benefits of what is called civilized life, and to remedy at the same time the evil which it has produced, ought to be considered as one of the first objects of reformed legislation.

Whether that state that is proudly, perhaps erroneously, called civilization, has most promoted or most injured the general happiness of man, is a question that may be strongly contested. On one side, the spectator is dazzled by splendid appearances; on the other, he is shocked by extremes of wretchedness; both of which it has erected. The most affluent and the most miserable of the human race are to be found in the countries that are called civilized.

To understand what the state of society ought to be, it is necessary to have some idea of the natural and primitive state of man; such as it is at this day among the Indians of North America. There is not, in that state, any of those spectacles of human misery which poverty and want present to our eyes in all the towns and streets in Europe.

Poverty, therefore, is a thing created by that

which is called civilized life. It exists not in the natural state. On the other hand, the natural state is without those advantages which flow from agriculture, arts, science, and manufactures.

The life of an Indian is a continual holiday, compared with the poor of Europe; and, on the other hand it appears to be abject when compared to the rich. Civilization, therefore, or that which is so called, has operated two ways: to make one part of society more affluent, and the other more wretched, than would have been the lot of either in a natural state.

It is always possible to go from the natural to the civilized state, but it is never possible to go from the civilized to the natural state. The reason is, that man in a natural state, subsisting by hunting, requires ten times the quantity of land to range over to procure himself sustenance, than would support him in a civilized state, where the earth is cultivated.

When, therefore, a country becomes populous by the additional aids of cultivation, art, and science, there is a necessity of preserving things in that state; because without it there cannot be sustenance for more, perhaps, than a tenth part of its inhabitants. The thing, therefore, now to

be done is to remedy the evils and preserve the benefits that have arisen to society by passing from the natural to that which is called the civilized state.

In taking the matter upon this ground, the first principle of civilization ought to have been, and ought still to be, that the condition of every person born into the world, after a state of civilization commences, ought not to be worse than if he had been born before that period.

But the fact is, that the condition of millions, in every country in Europe, is far worse than if they had been born before civilization began, or had been born among the Indians of North America at the present day. I will show how this fact has happened.

It is a position not to be controverted that the earth, in its natural, uncultivated state was, and ever would have continued to be, *the common property of the human race.* In that state every man would have been born to property. He would have been a joint life proprietor with the rest in the property of the soil, and in all its natural productions, vegetable and animal.

But the earth in its natural state, as before said, is capable of supporting but a small number of inhabitants compared with what it is capa-

ble of doing in a cultivated state. And as it is impossible to separate the improvement made by cultivation from the earth itself, upon which that improvement is made, the idea of landed property arose from that inseparable connection; but it is nevertheless true, that it is the value of the improvement, only, and not the earth itself, that is individual property.

Every proprietor, therefore, of cultivated lands, owes to the community a *ground-rent* (for I know of no better term to express the idea) for the land which he holds; and it is from this ground-rent that the fund proposed in this plan is to issue.

It is deducible, as well from the nature of the thing as from all the histories transmitted to us, that the idea of landed property commenced with cultivation, and that there was no such thing as landed property before that time. It could not exist in the first state of man, that of hunters. It did not exist in the second state, that of shepherds: neither Abraham, Isaac, Jacob, nor Job, so far as the history of the Bible may be credited in probable things, were owners of land.

Their property consisted, as is always enumerated in flocks and herds, and they traveled with them from place to place. The frequent

contentions at that time, about the use of a well in the dry country of Arabia, where those people lived, also show that there was no landed property. It was not admitted that land could be claimed as property.

There could be no such thing as landed property originally. Man did not make the earth, and, though he had a natural right to *occupy* it, he had no right to *locate as his property* in perpetuity any part of it; neither did the Creator of the earth open a land-office, from whence the first title-deeds should issue. Whence then, arose the idea of landed property? I answer as before, that when cultivation began, the idea of landed property began with it, from the impossibility of separating the improvement made by cultivation from the earth itself, upon which that improvement was made.

The value of the improvement so far exceeded the value of the natural earth, at that time, as to absorb it; till, in the end, the common right of all became confounded into the cultivated right of the individual. But there are, nevertheless, distinct species of rights, and will continue to be, so long as the earth endures.

It is only by tracing things to their origin that we can gain rightful ideas of them, and it

is by gaining such ideas that we discover the boundary that divides right from wrong, and teaches every man to know his own. I have entitled this tract "Agrarian Justice" to distinguish it from "Agrarian Law."

Nothing could be more unjust than agrarian law in a country improved by cultivation; for though every man, as an inhabitant of the earth, is a joint proprietor of it in its natural state, it does not follow that he is a joint proprietor of cultivated earth. The additional value made by cultivation, after the system was admitted, became the property of those who did it, or who inherited it from them, or who purchased it. It had originally no owner. While, therefore, I advocate the right, and interest myself in the hard case of all those who have been thrown out of their natural inheritance by the introduction of the system of landed property, I equally defend the right of the possessor to the part which is his.

Cultivation is at least one of the greatest natural improvements ever made by human invention. It has given to created earth a tenfold value. But the landed monopoly that began with it has produced the greatest evil. It has dispossessed more than half the inhabitants of every

nation of their natural inheritance, without providing for them, as ought to have been done, an indemnification for that loss, and has thereby created a species of poverty and wretchedness that did not exist before.

In advocating the case of the persons thus dispossessed, it is a right, and not a charity, that I am pleading for. But it is that kind of right which, being neglected at first, could not be brought forward afterwards till heaven had opened the way by a revolution in the system of government. Let us then do honor to revolutions by justice, and give currency to their principles by blessings.

Having thus in a few words, opened the merits of the case, I shall now proceed to the plan I have to propose, which is,

To create a national fund, out of which there shall be paid to every person, when arrived at the age of twenty-one years, the sum of fifteen pounds sterling, as a compensation in part, for the loss of his or her natural inheritance, by the introduction of the system of landed property:

And also, the sum of ten pounds per annum, during life, to every person now living, of the age of fifty years, and to all others as they shall arrive at that age.

MEANS BY WHICH THE FUND IS TO BE CREATED

I have already established the principle, namely, that the earth, in its natural uncultivated state was, and ever would have continued to be, the *common property of the human race;* that in that state, every person would have been born to property; and that the system of landed property, by its inseparable connection with cultivation, and with what is called civilized life, has absorbed the property of all those whom it dispossessed, without providing, as ought to have been done, an indemnification for that loss.

The fault, however, is not in the present possessors. No complaint is intended, or ought to be alleged against them, unless they adopt the crime by opposing justice. The fault is in the system, and it has stolen imperceptibly upon the world, aided afterwards by the agrarian law of the sword. But the fault can be made to reform itself by successive generations; and without diminishing or deranging the property of any of the present possessors, the operation of the fund can yet commence, and be in full activity, the first year of its establishment, or soon after, as I shall show.

It is proposed that the payments, as already stated, be made to every person, rich or poor. It

is best to make it so, to prevent invidious distinctions. It is also right it should be so, because it is in lieu of the natural inheritance, which, as a right, belongs to every man, over and above the property he may have created, or inherited from those who did. Such persons as do not choose to receive it can throw it into the common fund.

Taking it then for granted that no person ought to be in a worse condition when born under what is called a state of civilization, than he would have been had he been born in a state of nature, and that civilization ought to have made, and ought still to make, provision for that purpose, it can only be done by subtracting from property a portion equal in value to the natural inheritance it has absorbed.

Various methods may be proposed for this purpose, but that which appears to be the best (not only because it will operate without deranging any present possessors, or without interfering with the collection of taxes or *emprunts* necessary for the purposes of government and the Revolution, but because it will be the least troublesome and the most effectual, and also because the subtraction will be made at a time that best admits it) is at the moment that property is pass-

ing by the death of one person to the possession of another. In this case, the bequeather gives nothing: the receiver pays nothing. The only matter to him is, that the monopoly of natural inheritance, to which there never was a right, begins to cease in his person. A generous man would not wish it to continue, and a just man will rejoice to see it abolished.

My state of health prevents my making sufficient inquiries with respect to the doctrine of probabilities, whereon to found calculations with such degrees of certainty as they are capable of. What, therefore, I offer on this head is more the result of observation and reflection than of received information; but I believe it will be found to agree sufficiently with fact.

In the first place, taking twenty-one years as the epoch of maturity, all the property of a nation, real and personal, is always in the possession of persons above that age. It is then necessary to know, as a datum of calculation, the average of years which persons above that age will live. I take this average to be about thirty years, for though many persons will live forty, fifty, or sixty years after the age of twenty-one years, others will die much sooner, and some in every year of that time.

Taking, then, thirty years as the average of time, it will give, without any material variation one way or other, the average of time in which the whole property or capital of a nation, or a sum equal thereto, will have passed through one entire revolution in descent, that is, will have gone by deaths to new possessors; for though, in many instances, some parts of this capital will remain forty, fifty, or sixty years in the possession of one person, other parts will have revolved two or three times before those thirty years expire, which will bring it to that average; for were one-half the capital of a nation to revolve twice in thirty years, it would produce the same fund as if the whole revolved once.

Taking, then, thirty years as the average of time in which the whole capital of a nation, or a sum equal thereto, will revolve once, the thirtieth part thereof will be the sum that will revolve every year, that is, will go by deaths to new possessors; and this last sum being thus known, and the ratio per cent to be subtracted from it determined, it will give the annual amount or income of the proposed fund, to be applied as already mentioned.

In looking over the discourse of the English Minister, Pitt, in his opening of what is called in

England the budget (the scheme of finance for the year 1796), I find an estimate of the national capital of that country. As this estimate of a national capital is prepared ready to my hand, I take it as a datum to act upon. When a calculation is made upon the known capital of any nation, combined with its population, it will serve as a scale for any other nation, in proportion as its capital and population be more or less.

I am the more disposed to take this estimate of Mr. Pitt, for the purpose of showing to that minister, upon his own calculation, how much better money may be employed than in wasting it, as he has done, on the wild project of setting up Bourbon kings. What, in the name of heaven, are Bourbon kings to the people of England? It is better that the people have bread.

Mr. Pitt states the national capital of England, real and personal, to be one thousand three hundred millions sterling, which is about one-fourth part of the national capital of France, including Belgia. The event of the last harvest in each country proves that the soil of France is more productive than that of England, and that it can better support twenty-four or twenty-five millions of inhabitants than that of England can seven or seven and a half millions.

The thirtieth part of this capital of £1,300,000,000 is £43,333,333 which is the part that will revolve every year by deaths in that country to new possessors; and the sum that will annually revolve in France in the proportion of four to one, will be about one hundred and seventy-three millions sterling. From this sum of £43,333,333 annually revolving, is to be subtracted the value of the natural inheritance absorbed in it, which, perhaps, in fair justice, cannot be taken at less, and ought not to be taken for more, than a tenth part.

It will always happen, that of the property thus revolving by deaths every year a part will descend in a direct line to sons and daughters, and the other part collaterally, and the proportion will be found to be about three to one; that is, about thirty millions of the above sum will descend to direct heirs, and the remaining sum of £13,333,333 to more distant relations, and in part to strangers.

Considering, then, that man is always related to society, that relationship will become comparatively greater in proportion as the next of kin is more distant; it is therefore consistent with civilization to say that where there are no direct

heirs society shall be heir to a part over and above the tenth part *due* to society.

If this additional part be from five to ten or twelve per cent, in proportion as the next of kin be nearer or more remote, so as to average with the escheats that may fall, which ought always to go to society and not to the government (an addition of ten per cent more), the produce from the annual sum of £43,333,333 will be:

From £30,000,000 at ten per cent. . .	£3,000,000
From £13,333,333 at ten per cent with the addition of ten per cent more.	2,666,666
£43,333,333	£5,666,666

Having thus arrived at the annual amount of the proposed fund, I come, in the next place, to speak of the population proportioned to this fund and to compare it with the uses to which the fund is to be applied.

The population (I mean that of England) does not exceed seven millions and a half, and the number of persons above the age of fifty will in that case be about four hundred thousand. There would not, however, be more than that number that would accept the proposed ten pounds sterling per annum, though they would

be entitled to it. I have no idea it would be accepted by many persons who had a yearly income of two or three hundred pounds sterling. But as we often see instances of rich people falling into sudden poverty, even at the age of sixty, they would always have the right of drawing all the arrears due to them. Four millions, therefore, of the above annual sum of £5,666,666 will be required for four hundred thousand aged persons, at ten pounds sterling each.

I come now to speak of the persons annually arriving at twenty-one years of age. If all the persons who died were above the age of twenty-one years, the number of persons annually arriving at that age, must be equal to the annual number of deaths, to keep the population stationary. But the greater part die under the age of twenty-one, and therefore the number of persons annually arriving at twenty-one will be less than half the number of deaths.

The whole number of deaths upon a population of seven millions and an half will be about 220,000 annually. The number arriving at twenty-one years of age will be about 100,000. The whole number of these will not receive the proposed fifteen pounds, for the reasons already mentioned, though, as in the former case, they

would be entitled to it. Admitting then that a tenth part declined receiving it, the amount would stand thus:

Fund annually		£5,666,666
To 400,000 aged persons at £10 each	£4,000,000	
To 90,000 persons of 21 yrs., £15 ster. each . . .	1,350,000	
		5,350,000
	Remains	£ 316,666

There are, in every country, a number of blind and lame persons, totally incapable of earning a livelihood. But as it will always happen that the greater number of blind persons will be among those who are above the age of fifty years, they will be provided for in that class. The remaining sum of £316,666 will provide for the lame and blind under that age, at the same rate of £10 annually for each person.

Having now gone through all the necessary calculations, and stated the particulars of the plan, I shall conclude with some observations.

It is not charity but a right, not bounty but justice, that I am pleading for. The present state of civilization is as odious as it is unjust. It is absolutely the opposite of what it should be, and it is necessary that a revolution should be

made in it. The contrast of affluence and wretchedness continually meeting and offending the eye, is like dead and living bodies chained together. Though I care as little about riches as any man, I am a friend to riches because they are capable of good.

I care not how affluent some may be, provided that none be miserable in consequence of it. But it is impossible to enjoy affluence with the felicity it is capable of being enjoyed, while so much misery is mingled in the scene. The sight of the misery, and the unpleasant sensations it suggests, which, though they may be suffocated cannot be extinguished, are a greater drawback upon the felicity of affluence than the proposed ten per cent upon property is worth. He that would not give the one to get rid of the other has no charity, even for himself.

There are, in every country, some magnificent charities established by individuals. It is, however, but little that any individual can do, when the whole extent of the misery to be relieved is considered. He may satisfy his conscience, but not his heart. He may give all that he has, and that all will relieve but little. It is only by organizing civilization upon such principles as to

act like a system of pulleys, that the whole weight of misery can be removed.

The plan here proposed will reach the whole. It will immediately relieve and take out of view three classes of wretchedness—the blind, the lame, and the aged poor; and it will furnish the rising generation with means to prevent their becoming poor; and it will do this without deranging or interfering with any national measures.

To show that this will be the case, it is sufficient to observe that the operation and effect of the plan will, in all cases, be the same as if every individual were *voluntarily* to make his will and dispose of his property in the manner here proposed.

But it is justice, and not charity, that is the principle of the plan. In all great cases it is necessary to have a principle more universally active than charity; and, with respect to justice, it ought not to be left to the choice of detached individuals whether they will do justice or not. Considering then, the plan on the ground of justice, it ought to be the act of the whole, growing spontaneously out of the principles of the revolution, and the reputation of it ought to be national and not individual.

A plan upon this principle would benefit the

revolution by the energy that springs from the consciousness of justice. It would multiply also the national resources; for property, like vegetation, increases by offsets. When a young couple begin the world, the difference is exceedingly great whether they begin with nothing or with fifteen pounds apiece. With this aid they could buy a cow, and implements to cultivate a few acres of land; and instead of becoming burdens upon society, which is always the case where children are produced faster than they can be fed, would be put in the way of becoming useful and profitable citizens. The national domains also would sell the better if pecuniary aids were provided to cultivate them in small lots.

It is the practise of what has unjustly obtained the name of civilization (and the practise merits not to be called either charity or policy) to make some provision for persons becoming poor and wretched only at the time they become so. Would it not, even as a matter of economy, be far better to adopt means to prevent their becoming poor? This can best be done by making every person when arrived at the age of twenty-one years an inheritor of something to begin with.

The rugged face of society, checkered with

the extremes of affluence and want, proves that some extraordinary violence has been committed upon it, and calls on justice for redress. The great mass of the poor in all countries are become an hereditary race, and it is next to impossible for them to get out of that state of themselves. It ought also to be observed that this mass increases in all countries that are called civilized. More persons fall annually into it than get out of it.

Though in a plan of which justice and humanity are the foundation-principles, interest ought not to be admitted into the calculation, yet it is always of advantage to the establishment of any plan to show that it is beneficial as a matter of interest. The success of any proposed plan submitted to public consideration must finally depend on the numbers interested in supporting it, united with the justice of its principles.

The plan here proposed will benefit all, without injuring any. It will consolidate the interest of the republic with that of the individual. To the numerous class dispossessed of their natural inheritance by the system of landed property it will be an act of national justice. To persons dying possessed of moderate fortunes it will operate as a tontine to their children, more benefi-

cial than the sum of money paid into the fund: and it will give to the accumulation of riches a degree of security that none of the old governments of Europe, now tottering on their foundations, can give.

I do not suppose that more than one family in ten, in any of the countries of Europe, has, when the head of the family dies, a clear property left of five hundred pounds sterling. To all such the plan is advantageous. That property would pay fifty pounds into the fund, and if there were only two children under age they would receive fifteen pounds each (thirty pounds), on coming of age, and be entitled to ten pounds a year after fifty.

It is from the overgrown acquisition of property that the fund will support itself; and I know that the possessors of such property in England, though they would eventually be benefited by the protection of nine-tenths of it, will exclaim against the plan. But without entering into any inquiry how they came by that property, let them recollect that they have been the advocates of this war, and that Mr. Pitt has already laid on more new taxes to be raised annually upon the people of England, and that for supporting the despotism of Austria and the Bourbons against the lib-

erties of France, than would pay annually all the sums proposed in this plan.

I have made the calculations stated in this plan, upon what is called personal, as well as upon landed property. The reason for making it upon land is already explained; and the reason for taking personal property into the calculation is equally well founded though on a different principle. Land, as before said, is the free gift of the Creator in common to the human race. Personal property is the *effect of society;* and it is as impossible for an individual to acquire personal property without the aid of society, as it is for him to make land originally.

Separate an individual from society, and give him an island or a continent to possess, and he cannot acquire personal property. He cannot be rich. So inseparably are the means connected with the end, in all cases, that where the former do not exist the latter cannot be obtained. All accumulation, therefore, of personal property, beyond what a man's own hands produce, is derived to him by living in society; and he owes on every principle of justice, of gratitude, and of civilization, a part of that accumulation back again to society from whence the whole came.

This is putting the matter on a general prin-

ciple, and perhaps it is best to do so; for if we examine the case minutely it will be found that the accumulation of personal property is, in many instances, the effect of paying too little for the labor that produced it; the consequence of which is, that the working hand perishes in old age, and the employer abounds in affluence.

It is, perhaps, impossible to proportion exactly the price of labor to the profits it produces; and it will also be said, as an apology for the injustice, that were a workman to receive an increase of wages daily he would not save it against old age, nor be much better for it in the interim. Make, then, society the treasurer to guard it for him in a common fund; for it is no reason, that because he might not make a good use of it for himself, another should take it.

The state of civilization that has prevailed throughout Europe, is as unjust in its principle, as it is horrid in its effects; and it is the consciousness of this, and the apprehension that such a state cannot continue when once investigation begins in any country, that makes the possessors of property dread every idea of a revolution. It is the hazard and not the principle of revolutions that retards their progress. This being the case, it is necessary as well for the protection of prop-

erty, as for the sake of justice and humanity, to form a system that, while it preserves one part of society from wretchedness, shall secure the other from depredation.

The superstitious awe, the enslaving reverence, that formerly surrounded affluence, is passing away in all countries, and leaving the possessor of property to the convulsion of accidents. When wealth and splendor, instead of fascinating the multitude, excite emotions of disgust; when, instead of drawing forth admiration, it is beheld as an insult upon wretchedness; when the ostentatious appearance it makes serves to call the right of it in question, the case of property becomes critical, and it is only in a system of justice that the possessor can contemplate security.

To remove the danger, it is necessary to remove the antipathies, and this can only be done by making property productive of a national blessing, extending to every individual. When the riches of one man above another shall increase the national fund in the same proportion; when it shall be seen that the prosperity of that fund depends on the prosperity of individuals; when the more riches a man acquires, the better it shall be for the general mass; it is then that antipathies

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will cease, and property be placed on the permanent basis of national interest and protection.

I have no property in France to become subject to the plan I propose. What I have, which is not much, is in the United States of America. But I will pay one hundred pounds sterling toward this fund in France, the instant it shall be established; and I will pay the same sum in England, whenever a similar establishment shall take place in that country.

A revolution in the state of civilization is the necessary companion of revolutions in the system of government. If a revolution in any country be from bad to good, or from good to bad, the state of what is called civilization in that country, must be made conformable thereto, to give that revolution effect.

Despotic government supports itself by abject civilization, in which debasement of the human mind, and wretchedness in the mass of the people, are the chief criterions. Such governments consider man merely as an animal; that the exercise of intellectual faculty is not his privilege; *that he has nothing to do with the laws but to obey them;* * and they politically depend more

*An expression used by Bishop Horsley in the Parliament of England.—*Ed.*

upon breaking the spirit of the people by poverty, than they fear enraging it by desperation.

It is a revolution in the state of civilization that will give perfection to the Revolution of France. Already the conviction that government by representation is the true system of government is spreading itself fast in the world. The reasonableness of it can be seen by all. The justness of it makes itself felt even by its opposers. But when a system of civilization, growing out of that system of government, shall be so organized that not a man or woman born in the Republic but shall inherit some means of beginning the world, and see before them the certainty of escaping the miseries that under other governments accompany old age, the Revolution of France will have an advocate and an ally in the heart of all nations.

An army of principles will penetrate where an army of soldiers cannot; it will succeed where diplomatic management would fail: it is neither the Rhine, the Channel, nor the ocean that can arrest its progress: it will march on the horizon of the world, and it will conquer.

MEANS FOR CARRYING THE PROPOSED PLAN INTO EXECUTION, AND TO RENDER IT AT THE SAME TIME CONDUCIVE TO THE PUBLIC INTEREST

I. Each canton shall elect in its primary assemblies, three persons, as commissioners for that canton, who shall take cognizance, and keep a register of all matters happening in that canton, conformable to the charter that shall be established by law for carrying this plan into execution.

II. The law shall fix the manner in which the property of deceased persons shall be ascertained.

III. When the amount of the property of any deceased persons shall be ascertained, the principal heir to that property, or the eldest of the co-heirs, if of lawful age, or if under age, the person authorized by the will of the deceased to represent him or them, shall give bond to the commissioners of the canton to pay the said tenth part thereof in four equal quarterly payments, within the space of one year or sooner, at the choice of the payers. One-half of the whole property shall remain as a security until the bond be paid off.

IV. The bond shall be registered in the office of the commissioners of the canton, and the

original bonds shall be deposited in the national bank at Paris. The bank shall publish every quarter of a year the amount of the bonds in its possession, and also the bonds that shall have been paid off, or what parts thereof, since the last quarterly publication.

V. The national bank shall issue bank notes upon the security of the bonds in its possession. The notes so issued, shall be applied to pay the pensions of aged persons, and the compensations to persons arriving at twenty-one years of age. It is both reasonable and generous to suppose, that persons not under immediate necessity, will suspend their right of drawing on the fund, until it acquire, as it will do, a greater degree of ability. In this case, it is proposed, that an honorary register be kept, in each canton, of the names of the persons thus suspending that right, at least during the present war.

VI. As the inheritors of property must always take up their bonds in four quarterly payments, or sooner if they choose, there will always be *numéraire* [cash] arriving at the bank after the expiration of the first quarter, to exchange for the bank notes that shall be brought in.

VII. The bank notes being thus put in circulation, upon the best of all possible security,

that of actual property, to more than four times the amount of the bonds upon which the notes are issued, and with *numéraire* continually arriving at the bank to exchange or pay them off whenever they shall be presented for that purpose, they will acquire a permanent value in all parts of the Republic. They can therefore be received in payment of taxes, or *emprunts* equal to *numéraire,* because the Government can always receive *numéraire* for them at the bank.

VIII. It will be necessary that the payments of the ten per cent be made in *numéraire* for the first year from the establishment of the plan. But after the expiration of the first year, the inheritors of property may pay ten per cent either in bank notes issued upon the fund, or in *numéraire.*

If the payments be in *numéraire,* it will lie as a deposit at the bank, to be exchanged for a quantity of notes equal to that amount; and if in notes issued upon the fund, it will cause a demand upon the fund equal thereto; and thus the operation of the plan will create means to carry itself into execution.

THOMAS PAINE.

THE EIGHTEENTH FRUCTIDOR

To the People of France and the French Armies

WHEN an extraordinary measure, not warranted by established constitutional rules, and justifiable only on the supreme law of absolute necessity, bursts suddenly upon us, we must, in order to form a true judgment thereon, carry our researches back to the times that preceded and occasioned it. Taking up then the subject with respect to the event of the eighteenth of Fructidor on this ground, I go to examine the state of things prior to that period. I begin with the establishment of the Constitution of the year 3 of the French Republic.

A better *organized* Constitution has never yet been devised by human wisdom. It is, in its organization, free from all the vices and defects to which other forms of government are more or less subject. I will speak first of the legislative body, because the legislature is, in the natural order of things, the first power; the executive is the first magistrate.

By arranging the legislative body into two divisions, as is done in the French Constitution,

the one (the Council of Five Hundred), whose part it is to conceive and propose laws; the other, a Council of Ancients, to review, approve, or reject the laws proposed; all the security is given that can arise from coolness of reflection acting upon, or correcting the precipitancy or enthusiasm of conception and imagination. It is seldom that our first thought, even upon any subject, is sufficiently just.

The policy of renewing the legislature by a third part each year, though not entirely new, either in theory or in practise, is nevertheless one of the modern improvements in the science of government. It prevents, on the one hand, that convulsion and precipitate change of measures into which a nation might be surprised by the going out of the whole legislature at the same time, and the instantaneous election of a new one; on the other hand, it excludes that common interest from taking place that might tempt a whole legislature, whose term of duration expired at once, to usurp the right of continuance. I go now to speak of the executive.

It is a principle uncontrovertible by reason, that each of the parts by which government is composed, should be so constructed as to be in perpetual maturity. We should laugh at the

idea of a council of five hundred, or a council of ancients, or a parliament, or any national assembly, who should be all children in leading strings and in the cradle, or be all sick, insane, deaf, dumb, lame or blind, at the same time, or be all upon crutches, tottering with age or infirmities.

Any form of government that was so constructed as to admit the possibility of such cases happening to a whole legislature would justly be the ridicule of the world; and on a parity of reasoning, it is equally as ridiculous that the same cases should happen in that part of government which is called the executive; yet this is the contemptible condition to which an executive is always subject, and which is often happening, when it is placed in an hereditary individual called a king.

When that individual is in either of the cases before mentioned, the whole executive is in the same case; for himself is the whole. He is then (as an executive) the ridiculous picture of what a legislature would be if all its members were in the same case. The one is a whole made up of parts, the other a whole without parts; and anything happening to the one (as a part or section of the government) is parallel to the same thing happening to the other.

As, therefore, an hereditary executive called a king is a perfect absurdity in itself, any attachment to it is equally as absurd. It is neither instinct or reason; and if this attachment is what is called royalism in France, then is a royalist inferior in character to every species of the animal world; for what can that being be who acts neither by instinct nor by reason?

Such a being merits rather our derision than our pity; and it is only when it assumes to act its folly that it becomes capable of provoking republican indignation. In every other case it is too contemptible to excite anger. For my own part, when I contemplate the self-evident absurdity of the thing, I can scarcely permit myself to believe that there exists in the high-minded nation of France such a mean and silly animal as a royalist.

As it requires but a single glance of thought to see (as is before said) that all the parts of which government is composed must be at all times in a state of full maturity, it was not possible that men acting under the influence of reason, could, in forming a constitution, admit an hereditary executive, any more than an hereditary legislature. I go therefore to examine the other cases.

In the first place (rejecting the hereditary system), shall the executive by election be an *individual* or *a plurality?*

An individual by election is almost as bad as the hereditary system, except that there is always a better chance of not having an idiot. But he will never be anything more than a chief of a party, and none but those of that party will have access to him. He will have no person to consult with of a standing equal with himself, and consequently be deprived of the advantages arising from equal discussion.

Those whom he admits in consultation will be ministers of his own appointment, who, if they displease by their advice, must expect to be dismissed. The authority also is too great, and the business too complicated, to be intrusted to the ambition or the judgment of an individual; and besides these cases, the sudden change of measures that might follow by the going out of an individual executive, and the election of a new one, would hold the affairs of a nation in a state of perpetual uncertainty. We come then to the case of a plural executive.

It must be sufficiently plural, to give opportunity to discuss all the various subjects that in the course of national business may come before

it; and yet not so numerous as to endanger the necessary secrecy that certain cases, such as those of war, require.

Establishing, then, plurality as a principle, the only question is, What shall be the number of that plurality?

Three are too few either for the variety or the quantity of business. The Constitution has adopted *five;* and experience has shown, from the commencement of the Constitution to the time of the election of the new legislative third, that this number of directors, when well chosen, is sufficient for all national executive purposes; and therefore a greater number would be only an unnecessary expense.

That the measures of the Directory during that period were well concerted is proved by their success; and their being well concerted shows they were well discussed; and, therefore, that *five* is a sufficient number with respect to discussion; and, on the other hand, the secret, whenever there was one (as in the case of the expedition to Ireland), was well kept, and therefore the number is not too great to endanger the necessary secrecy.

The reason why the two Councils are numerous is not from the necessity of their being so, on account of business, but because that every

part of the Republic shall find and feel itself in the national representation.

Next to the general principle of government by representation, the excellence of the French Constitution consists in providing means to prevent that abuse of power that might arise by letting it remain too long in the same hands. This wise precaution pervades every part of the Constitution. Not only the Legislature is renewable by a third every year, but the president of each of the Councils is renewable every month; and of the Directory, one member each year, and its president every three months.

Those who formed the Constitution cannot be accused of having contrived for themselves. The Constitution, in this respect, is as impartially constructed as if those who framed it were to die as soon as they had finished their work.

The only defect in the Constitution is that of having narrowed the right of suffrage; and it is in a great measure due to this narrowing the right, that the last elections have not generally been good. My former colleagues will, I presume, pardon my saying this to-day, when they recollect my arguments against this defect, at the time the Constitution was discussed in the Convention.

I will close this part of the subject by remarking on one of the most vulgar and absurd *sayings* or dogmas that ever yet imposed itself upon the world, which is, *"that a Republic is fit only for a small country, and a Monarchy for a large one."* Ask those who say this their reasons why it is so, and they can give none.

Let us then examine the case. If the quantity of knowledge in a government ought to be proportioned to the extent of a country, and the magnitude and variety of its affairs, it follows, as an undeniable result, that this absurd dogma is false, and that the reverse of it is true. As to what is called monarchy, if it be adaptable to any country it can only be so to a small one, whose concerns are few, little complicated, and all within the comprehension of an individual.

But when we come to a country of large extent, vast population, and whose affairs are great, numerous and various, it is the representative republican system only, that can collect into the government the quantity of knowledge necessary to govern to the best national advantage. Montesquieu, who was strongly inclined to republican government, sheltered himself under this absurd dogma; for he had always the Bastile before his

eyes when he was speaking of republics, and therefore *pretended* not to write for France.

Condorcet governed himself by the same caution, but it was caution only, for no sooner had he the opportunity of speaking fully out than he did it. When I say this of Condorcet, I know it as a fact. In a paper published in Paris, July, 1791, entitled, "The Republican or the Defender of Representative Government," is a piece signed THOMAS PAINE. That piece was concerted between Condorcet and myself. I wrote the original in English, and Condorcet translated it. The object of it was to expose the absurdity and falsehood of the above mentioned dogma.

Having thus concisely glanced at the excellencies of the Constitution, and the superiority of the representative system of government over every other system (if any other can be called a system), I come to speak of the circumstances that have intervened between the time the Constitution was established and the event that took place on the eighteenth of Fructidor of the present year.

Almost as suddenly as the morning light dissipates darkness, did the establishment of the Constitution change the face of affairs in France. Security succeeded to terror, prosperity to dis-

tress, plenty to famine, and confidence increased as the days multiplied, until the coming of the new third. A series of victories unequaled in the world, followed each other, almost too rapidly to be counted, and too numerous to be remembered.

The Coalition, everywhere defeated and confounded, crumbled away like a ball of dust in the hand of a giant. Everything, during that period, was acted on such a mighty scale that reality appeared a dream, and truth outstripped romance. It may figuratively be said, that the Rhine and the Rubicon (Germany and Italy) replied in triumphs to each other, and the echoing Alps prolonged the shout. I will not here dishonor a great description by noticing too much the English Government. It is sufficient to say paradoxically, that in the magnitude of its littleness it cringed, it intrigued, and sought protection in corruption.

Though the achievements of these days might give trophies to a nation and laurels to its heroes, they derive their full radiance of glory from the principle they inspired and the object they accomplished. Desolation, chains, and slavery had marked the progress of former wars, but to conquer for liberty had never been thought of.

To receive the degrading submission of a distressed and subjugated people, and insultingly permit them to live, made the chief triumph of former conquerors; but to receive them with fraternity, to break their chains, to tell them they are free, and teach them to be so, make a new volume in the history of man.

Amidst those national honors, and when only two enemies remained, both of whom had solicited peace, and one of them had signed preliminaries, the election of the new third commenced. Everything was made easy to them. All difficulties had been conquered before they arrived at the government. They came in the olive days of the Revolution, and all they had to do was not to do mischief.

It was, however, not difficult to foresee, that the elections would not be generally good. The horrid days of Robespierre were still remembered, and the gratitude due to those who had put an end to them was forgotten.

Thousands who, by passive approbation during that tremendous scene, had experienced no suffering, assumed the merit of being the loudest against it. Their cowardice in not opposing it, became courage when it was over. They exclaimed against terrorism as if they had been the

heroes that overthrew it, and rendered themselves ridiculous by fantastically overacting moderation.

The most noisy of this class, that I have met with, are those who suffered nothing. They became all things, at all times, to all men; till at last they laughed at principle. It was the real republicans who suffered most during the time of Robespierre. The persecution began upon them on the thirty-first of May [1793] and ceased only by the exertions of the remnant that survived.

In such a confused state of things as preceded the late elections the public mind was put into a condition of being easily deceived; and it was almost natural that the hypocrite would stand the best chance of being elected into the new third. Had those who, since their election, have thrown the public affairs into confusion by counter-revolutionary measures, declared themselves beforehand, they would have been denounced instead of being chosen. Deception was necessary to their success.

The Constitution obtained a full establishment; the Revolution was considered as complete; and the war on the eve of termination. In such a situation, the mass of the people, fatigued by

a long revolution, sought repose; and in their elections they looked out for quiet men. They unfortunately found hypocrites.

Would any of the primary assemblies have voted for a civil war? Certainly they would not. But the electoral assemblies of some departments have chosen men whose measures, since their election, tended to no other end but to provoke it. Either those electors have deceived their constituents of the primary assemblies, or they have been themselves deceived in the choice they made of deputies.

That there were some direct but secret conspirators in the new third can scarcely admit of a doubt; but it is most reasonable to suppose that a great part were seduced by the vanity of thinking they could do better than those whom they succeeded. Instead of trusting to experience, they attempted experiments. This counter-disposition prepared them to fall in with any measures contrary to former measures, and that without seeing, and probably without suspecting, the end to which they led.

No sooner were the members of the new third arrived at the seat of government, than expectation was excited to see how they would act. Their motions were watched by all parties, and it

was impossible for them to steal a march unobserved. They had it in their power to do great good, or great mischief. A firm and manly conduct on their part, uniting with that of the Directory and their colleagues, would have terminated the war. But the moment before them was not the moment of hesitation. He that hesitates in such situation is lost.

The first public act of the Council of Five Hundred was the election of Pichegru to the presidency of that Council. He arrived at it by a very large majority, and the public voice was in his favor. I among the rest was one who rejoiced at it. But if the defection of Pichegru was at that time known to Condé, and consequently to Pitt, it unveils the cause that retarded all negotiations for peace.

They interpreted that election into a signal of a counter-revolution, and were waiting for it; and they mistook the respect shown to Pichegru, founded on the supposition of his integrity, as a symptom of national revolt. Judging of things by their own foolish ideas of government, they ascribed appearances to causes between which there was no connection. Everything on their part has been a comedy of errors, and the actors have been chased from the stage.

Two or three decades of the new sessions passed away without anything very material taking place; but matters soon began to explain themselves. The first thing that struck the public mind was, that no more was heard of negotiations for peace, and that public business stood still. It was not the object of the conspirators that there should be peace; but as it was necessary to conceal their object, the Constitution was ransacked to find pretenses for delays.

In vain did the Directory explain to them the state of the finances and the wants of the army. The committee, charged with that business, trifled away its time by a series of unproductive reports, and continued to sit only to produce more. Everything necessary to be done was neglected, and everything improper was attempted. Pichegru occupied himself about forming a national guard for the Councils—the suspicious signal of war—Camille Jordan about priests and bells, and the emigrants, with whom he had associated during the two years he was in England.

Willot and Delarue attacked the Directory: their object was to displace some one of the directors, to get in another of their own. Their motives with respect to the age of Barras (who is as old as he wishes to be, and has been a little

too old for them) were too obvious not to be seen through.

In this suspensive state of things, the public mind, filled with apprehensions, became agitated, and without knowing what it might be, looked for some extraordinary event. It saw, for it could not avoid seeing, that things could not remain long in the state they were in, but it dreaded a convulsion.

That spirit of triflingness which it had indulged too freely when in a state of security, and which it is probable the new agents had interpreted into indifference about the success of the Republic, assumed a serious aspect that afforded to conspiracy no hope of aid; but still it went on. It plunged itself into new measures with the same ill success, and the further it went the further the public mind retired. The conspiracy saw nothing around it to give it encouragement.

The obstinacy, however, with which it persevered in its repeated attacks upon the Directory, in framing laws in favor of emigrants and refractory priests, and in everything inconsistent with the immediate safety of the Republic, and which served to encourage the enemy to prolong the war, admitted of no other direct interpretation than that something was rotten in the Coun-

cil of Five Hundred. The evidence of circumstances became every day too visible not to be seen, and too strong to be explained away. Even as errors (to say no worse of them), they are not entitled to apology; for where knowledge is a duty, ignorance is a crime.

The more serious republicans, who had better opportunities than the generality had, of knowing the state of politics, began to take the alarm, and formed themselves into a society, by the name of the Constitutional Club. It is the only society of which I have been a member in France; and I went to this because it was become necessary that the friends of the Republic should rally round the standard of the Constitution. I met there several of the original patriots of the Revolution; I do not mean of the last order of Jacobins, but of the first of that name.

The faction in the Council of Five Hundred, who, finding no counsel from the public, began to be frightened at appearances, fortified itself against the dread of this society, by passing a law to dissolve it. The constitutionality of the law was at least doubtful: but the society, that it might not give the example of exasperating matters already too much inflamed, suspended its meetings.

A matter, however, of much greater moment soon after presented itself. It was the march of four regiments, some of whom, in the line of their route, had to pass within about twelve leagues of Paris, which is the boundary the Constitution had fixed as the distance of any armed force from the legislative body.

In another state of things, such a circumstance would not have been noticed. But conspiracy is quick of suspicion, and the fear which the faction in the Council of Five Hundred manifested upon this occasion could not have suggested itself to innocent men; neither would innocent men have expostulated with the Directory upon the case, in the manner these men did.

The question they urged went to extort from the Directory, and to make known to the enemy, what the destination of the troops was. The leaders of the faction conceived that the troops were marching against them; and the conduct they adopted in consequence of it was sufficient to justify the measure, even if it had been so. From what other motive than the consciousness of their own designs could they have fear?

The troops, in every instance, had been the gallant defenders of the Republic, and the openly declared friends of the Constitution; the Direc-

tory had been the same, and if the faction were not of a different description neither fear nor suspicion could have had place among them.

All those maneuvers in the Council were acted under the most professional attachment to the Constitution; and this as necessarily served to enfeeble their projects. It is exceedingly difficult, and next to impossible, to conduct a conspiracy, and still more so to give it success, in a popular government.

The disguised and feigned pretenses which men in such cases are obliged to act in the face of the public, suppress the action of the faculties, and give even to natural courage the features of timidity. They are not half the men they would be where no disguise is necessary. It is impossible to be a hypocrite and to be brave at the same instant.

The faction, by the imprudence of its measures, upon the march of the troops, and upon the declarations of the officers and soldiers to support the Republic and the Constitution against all open or concealed attempts to overturn them, had gotten itself involved with the army, and in effect declared itself a party against it.

On the one hand, laws were proposed to admit emigrants and refractory priests as free cit-

izens; and on the other hand to exclude the troops from Paris, and to punish the soldiers who had declared to support the Republic. In the meantime all negotiations for peace went backward; and the enemy, still recruiting its forces, rested to take advantage of circumstances. Excepting the absence of hostilities, it was a state worse than war.

If all this was not a conspiracy, it had at least the features of one, and was pregnant with the same mischiefs. The eyes of the faction could not avoid being open to the dangers to which it obstinately exposed the Republic; yet still it persisted. During this scene, the journals devoted to the faction were repeatedly announcing the near approach of peace with Austria and with England, and often asserting that it was concluded. This falsehood could be intended for no other purpose than to keep the eyes of the people shut against the dangers to which they were exposed.

Taking all circumstances together, it was impossible that such a state of things could continue long; and at length it was resolved to bring it to an issue. There is good reason to believe that the affair of the eighteenth Fructidor (September fourth) was intended to have taken

place two days before; but on recollecting that it was the second of September, a day mournful in the annals of the Revolution, it was postponed. When the issue arrived, the faction found to its cost it had no party among the public. It had sought its own disasters, and was left to suffer the consequences.

Foreign enemies, as well as those of the interior, if any such there be, ought to see in the event of this day that all expectation of aid from any part of the public in support of a counter revolution is delusion. In a state of security the thoughtless, who trembled at terror, may laugh at principles of liberty (for they have laughed), but it is one thing to indulge a foolish laugh, quite another thing to surrender liberty.

Considering the event of the eighteenth Fructidor in a political light, it is one of those that are justifiable only on the supreme law of absolute necessity, and it is the necessity abstracted from the event that is to be deplored. The event itself is matter of joy. Whether the maneuvers in the Council of Five Hundred were the conspiracy of a few, aided by the perverseness of many, or whether it had a deeper root, the dangers were the same.

It was impossible to go on. Everything was

at stake, and all national business at a stand. The case reduced itself to a simple alternative—shall the Republic be destroyed by the darksome maneuvers of a faction, or shall it be preserved by an exceptional act?

During the American Revolution, and that after the state constitutions were established, particular cases arose that rendered it necessary to act in a manner that would have been treasonable in a state of peace.

At one time Congress invested General Washington with dictatorial power. At another time the government of Pennsylvania suspended itself and declared martial law. It was the necessity of the times only that made the apology of those extraordinary measures. But who was it that produced the necessity of an extraordinary measure in France? A faction, and that in the face of prosperity and success. Its conduct is without apology; and it is on the faction only that the exceptional measure has fallen. The public has suffered no inconvenience.

If there are some men more disposed than others not to act severely, I have a right to place myself in that class; the whole of my political life invariably proves it; yet I cannot see, taking all parts of the case together, what else, or what

better, could have been done, than has been done. It was a great stroke, applied in a great crisis, that crushed in an instant, and without the loss of a life, all the hopes of the enemy, and restored tranquillity to the interior.

The event was ushered in by the discharge of two cannon at four in the morning, and was the only noise that was heard throughout the day. It naturally excited a movement among the Parisians to inquire the cause. They soon learned it, and the countenance they carried was easy to be interpreted.

It was that of a people who, for some time past, had been oppressed with apprehensions of some direful event, and who felt themselves suddenly relieved, by finding what it was. Everyone went about his business, or followed his curiosity in quietude. It resembled the cheerful tranquillity of the day when Louis XVI absconded in 1791, and like that day it served to open the eyes of the nation.

If we take a review of the various events, as well conspiracies as commotions, that have succeeded each other in this Revolution, we shall see how the former have wasted consumptively away, and the consequences of the latter have softened. The thirty-first May and its consequences

were terrible. That of the ninth and tenth Thermidor, though glorious for the Republic, as it overthrew one of the most horrid and cruel despotisms that ever raged, was nevertheless marked with many circumstances of severe and continued retaliation.

The commotions of Germinal and Prairial of the year 3, and of Vendémiaire of the year 4, were many degrees below those that preceded them, and affected but a small part of the public. This of Pichegru and his associates has been crushed in an instant, without the stain of blood, and without involving the public in the least inconvenience.

These events taken in a series, mark the progress of the Republic from disorder to stability. The contrary of this is the case in all parts of the British dominions. There, commotions are on an ascending scale; everyone is higher than the former. That of the sailors had nearly been the overthrow of the Government. But the most potent of all is the invisible commotion in the Bank. It works with the silence of time, and the certainty of death. Everything happening in France is curable; but this is beyond the reach of nature or invention.

Leaving the event of the eighteenth Fruc-

tidor to justify itself by the necessity that occasioned it, and glorify itself by the happiness of its consequences, I come to cast a *coup-d'œil* on the present state of affairs.

We have seen by the lingering condition of the negotiations for peace, that nothing was to be expected from them, in the situation that things stood prior to the eighteenth Fructidor. The armies had done wonders, but those wonders were rendered unproductive by the wretched maneuvers of a faction.

New exertions are now necessary to repair the mischiefs which that faction has done. The electoral bodies, in some departments, who by an injudicious choice, or a corrupt influence, have sent improper deputies to the Legislature, have some atonement to make to their country. The evil originated with them, and the least they can do is to be among the foremost to repair it.

It is, however, in vain to lament an evil that is past. There is neither manhood nor policy in grief; and it often happens that an error in politics, like an error in war, admits of being turned to greater advantage than if it had not occurred. The enemy, encouraged by that error, presumes too much, and becomes doubly foiled by the reaction.

England, unable to conquer, has stooped to corrupt; and defeated in the last, as in the first, she is in a worse condition than before. Continually increasing her crimes, she increases the measure of her atonement, and multiplies the sacrifices she must make to obtain peace. Nothing but the most obstinate stupidity could have induced her to let slip the opportunity when it was within her reach. In addition to the prospect of new expenses, she is now, to use Mr. Pitt's own figurative expression against France, *not only on the brink, but in the gulf of bankruptcy.* There is no longer any mystery in paper money. Call it assignats, mandats, exchequer bills, or bank notes, it is still the same. Time has solved the problem, and experience has fixed its fate.

The Government of that unfortunate country discovers its faithlessness so much, that peace on any terms with her is scarcely worth obtaining. Of what use is peace with a government that will employ that peace for no other purpose than to repair, as far as it is possible, her shattered finances and broken credit, and then go to war again?

Four times within the last ten years, from the time the American War closed, has the Anglo-Germanic Government of England been medita-

ting fresh war. First with France on account of Holland, in 1787; afterwards with Russia; then with Spain, on account of Nootka Sound; and a second time against France, to overthrow her Revolution. Sometimes that Government employs Prussia against Austria; at another time Austria against Prussia; and always one or the other, or both against France. Peace with such a government is only a treacherous cessation of hostilities.

The frequency of wars on the part of England, within the last century, more than before, must have had some cause that did not exist prior to that epoch. It is not difficult to discover what that cause is. It is the mischievous compound of an elector of the Germanic body and a king of England; and which necessarily must, at some day or other, become an object of attention to France.

That one nation has not a right to interfere in the *internal* government of another nation, is admitted; and in this point of view, France has no right to dictate to England what its form of government shall be. If it choose to have a thing called a king, or whether that king shall be a man or an ass, is a matter with which France has no business. But whether an elector of the Ger-

manic body shall be king of England, is an *external* case, with which France and every other nation, who suffers inconvenience and injury in consequence of it, has a right to interfere.

It is from this mischievous compound of elector and king, that originates a great part of the troubles that vex the Continent of Europe; and with respect to England, it has been the cause of her immense national debt, the ruin of her finances, and the insolvency of her bank. All intrigues on the Continent, in which England is a party, or becomes involved, are generated by, and act through, the medium of this Anglo-Germanic compound. It will be necessary to dissolve it. Let the elector retire to his electorate, and the world will have peace.

England herself has given examples of interference in matters of this kind, and that in cases where injury was only apprehended. She engaged in a long and expensive war against France (called the Succession War) to prevent a grandson of Louis XIV being King of Spain; because, said she, *it will be injurious* to me; and she has been fighting and intriguing against what was called the family-compact ever since.

In 1787 she threatened France with war to prevent a connection between France and Hol-

land; and in all her propositions of peace to-day she is dictating separations. But if she look at the Anglo-Germanic compact at home, called the Hanover Succession, she cannot avoid seeing that France necessarily must, some day or other, take up that subject, and make the return of the elector to his electorate one of the conditions of peace. There will be no lasting peace between the two countries till this be done, and the sooner it be done the better will it be for both.

I have not been in any company where this matter has been a topic, that did not see it in the light it is here stated. Even Barthélemy, when he first came to the Directory (and Barthélemy was never famous for patriotism) acknowledged in my hearing, and in company with Derché, secretary to the legation at Lille, the connection of an elector of Germany and a king of England to be injurious to France. I do not, however, mention it from a wish to embarrass the negotiation for peace. The Directory has fixed its *ultimatum;* but if that ultimatum be rejected, the obligation to adhere to it is discharged, and a new one may be assumed.

So wretchedly has Pitt managed his opportunities, that every succeeding negotiation has ended in terms more against him than the former.

If the Directory had bribed him, he could not serve his interest better than he does. He serves it as Lord North served that of America, which finished in the discharge of his master.*

Thus far I had written when the negotiation at Lille became suspended, in consequence of which I delayed the publication, that the ideas suggested in this letter might not intrude themselves during the interval. The *ultimatum* offered by the Directory, as the terms of peace, was more moderate than the Government of England had a right to expect. That Government, though the provoker of the war, and the first that committed hostilities by sending away the Ambassador Chauvelin,† had formerly talked of

*The father of Pitt, when a member of the House of Commons, exclaiming one day, during a former war, against the enormous and ruinous expense of German connections, as the offspring of the Hanover Succession, and borrowing a metaphor from the story of Prometheus, cried out: "*Thus, like Prometheus, is Britain chained to the barren rock of Hanover, whilst the imperial eagle preys upon her vitals.*"

†It was stipulated in the treaty of commerce between France and England, concluded at Paris, that the sending away an ambassador by either party, should be taken as an act of hostility by the other party. The declaration of war (February [1], 1793) by the Convention, of which I was then a member and know well the case, was made in exact conformity to this article in the treaty; for it was not a declaration of war against England, but a declaration that the French Republic is *in* war with England; the first act of hostility having been committed by England. The declaration was made immediately on Chauvelin's return to France, and in consequence of it. Mr. Pitt should inform himself of things

demanding from France, *indemnification for the past and security for the future.*

France, in her turn, might have retorted, and demanded the same from England; but she did not. As it was England that, in consequence of her bankruptcy, solicited peace, France offered it to her on the simple condition of her restoring the islands she had taken. The *ultimatum* has been rejected, and the negotiation broken off. The spirited part of France will say, *tant mieux,* so much the better.

How the people of England feel on the breaking up of the negotiation, which was entirely the act of their own Government, is best known to themselves; but from what I know of the two nations, France ought to hold herself perfectly indifferent about a peace with the Government of England. Every day adds new strength to France and new embarrassments to her enemy. The resources of the one increase, as those of the other become exhausted.

England is now reduced to the same system of paper money from which France has emerged, and we all know the inevitable fate of that system. It is not a victory over a few ships, like

better than he does, before he prates so much about them, or of the sending away of Malmesbury, who was only on a visit of permission.

that on the coast of Holland, that gives the least support or relief to a paper system. On the news of this victory arriving in England, the funds did not rise a farthing. The Government rejoiced, but its creditors were silent.

It is difficult to find a motive, except in folly and madness, for the conduct of the English Government. Every calculation and prediction of Mr. Pitt has turned out directly the contrary; yet still he predicts. He predicted, with all the solemn assurance of a magician, that France would be bankrupt in a few months. He was right as to the thing, but wrong as to the place, for the bankruptcy happened in England while the words were yet warm upon his lips. To find out what will happen, it is only necessary to know what Mr. Pitt predicts. He is a true prophet if taken in the reverse.

Such is the ruinous condition that England is now in, that great as the difficulties of war are to the people, the difficulties that would accompany peace are equally as great to the Government. While the war continues, Mr. Pitt has a pretense for shutting up the Bank. But as that pretense could last no longer than the war lasted, he dreads the peace that would expose the absolute bankruptcy of the Government, and unveil to a de-

ceived nation the ruinous effect of his measures. Peace would be a day of accounts to him, and he shuns it as an insolvent debtor shuns a meeting of his creditors. War furnishes him with many pretenses; peace would furnish him with none, and he stands alarmed at its consequences.

His conduct in the negotiation at Lille can be easily interpreted. It is not for the sake of the nation that he asks to retain some of the taken islands; for what are islands to a nation that has already too many for her own good, or what are they in comparison to the expense of another campaign in the present depreciating state of the English funds? (And even then those islands must be restored.)

No, it is not for the sake of the nation that he asks. It is for the sake of himself. It is as if he said to France, Give me some pretense, cover me from disgrace when my day of reckoning comes!

Any person acquainted with the English Government knows that every minister has some dread of what is called in England the winding up of accounts at the end of a war; that is, the final settlement of all expenses incurred by the war; and no minister had ever so great cause of dread as Mr. Pitt. A burnt child dreads the

fire, and Pitt has had some experience upon this case.

The winding up of accounts at the end of the American War was so great, that, though he was not the cause of it, and came into the Ministry with great popularity, he lost it all by undertaking, what was impossible for him to avoid, the voluminous business of the winding up. If such was the case in settling the accounts of his predecessor, how much more has he to apprehend when the accounts to be settled are his own? All men in bad circumstances hate the settlement of accounts, and Pitt, as a minister, is of that description.

But let us take a view of things on a larger ground than the case of a minister. It will then be found, that England, on a comparison of strength with France, when both nations are disposed to exert their utmost, has no possible chance of success. The efforts that England made within the last century were not generated on the ground of *natural ability,* but of *artificial anticipations.* She ran posterity into debt, and swallowed up in one generation the resources of several generations yet to come, till the project can be pursued no longer.

It is otherwise in France. The vastness of

her territory and her population render the burden easy that would make a bankrupt of a country like England.

It is not the weight of a thing, but the numbers who are to bear that weight, that makes it feel light or heavy to the shoulders of those who bear it. A land-tax of half as much in the pound as the land-tax is in England, will raise nearly four times as much revenue in France as is raised in England. This is a scale easily understood, by which all the other sections of productive revenue can be measured. Judge then of the difference of natural ability.

England is strong in a navy; but that navy costs about eight millions sterling a year, and is one of the causes that has hastened her bankruptcy. The history of navy bills sufficiently proves this. But strong as England is in this case, the fate of navies must finally be decided by the natural ability of each country to carry its navy to the greatest extent; and France is able to support a navy twice as large as that of England, with less than half the expense per head on the people, which the present navy of England costs.

We all know that a navy cannot be raised as expeditiously as an army. But as the average

duration of a navy, taking the decay of time, storms, and all circumstances and accidents together, is less than twenty years, every navy must be renewed within that time; and France at the end of a few years, can create and support a navy of double the extent of that of England; and the conduct of the English Government will provoke her to it.

But of what use are navies otherwise than to make or prevent invasions? Commercially considered, they are losses. They scarcely give any protection to the commerce of the countries which have them, compared with the expense of maintaining them, and they insult the commerce of the nations that are neutral.

During the American War, the plan of the armed neutrality was formed and put in execution; but it was inconvenient, expensive, and ineffectual. This being the case, the problem is, does not commerce contain within itself, the means of its own protection? It certainly does, if the neutral nations will employ that means properly.

Instead then of an *armed neutrality,* the plan should be directly the contrary. It should be an *unarmed neutrality.* In the first place, the rights of neutral nations are easily defined. They are

such as are exercised by nations in their intercourse with each other in time of peace, and which ought not, and cannot of right, be interrupted in consequence of war breaking out between any two or more of them.

Taking this as a principle, the next thing is to give it effect. The plan of the armed neutrality was to effect it by threatening war; but an unarmed neutrality can effect it by much easier and more powerful means.

Were the neutral nations to associate, under an honorable injunction of fidelity to each other, and publicly declare to the world, that if any belligerent power shall seize or molest any ship or vessel belonging to the citizens or subjects of any of the powers composing that association, that the whole association will shut its ports against the flag of the offending nation, and will not permit any goods, wares, or merchandise, produced or manufactured in the offending nation, or appertaining thereto, to be imported into any of the ports included in the association, until reparation be made to the injured party—the reparation to be three times the value of the vessel and cargo—and moreover that all remittances on money, goods, and bills of exchange, do cease to be made to the offending nation, until the said

reparation be made: were the neutral nations only to do this, which it is their direct interest to do, England, as a nation depending on the commerce of neutral nations in time of war, dare not molest them, and France would not.

But while, from the want of a common system, they individually permit England to do it, because individually they cannot resist it, they put France under the necessity of doing the same thing. The supreme of all laws, in all cases, is that of self-preservation.

As the commerce of neutral nations would thus be protected by the means that commerce naturally contains within itself, all the naval operations of France and England would be confined within the circle of acting against each other; and in that case it needs no spirit of prophecy to discover that France must finally prevail. The sooner this be done, the better will it be for both nations, and for all the world.

THOMAS PAINE.

THE RECALL OF MONROE

Paris, September 27, 1797.

Editors of the Bien-informé.

CITIZENS: In your nineteenth number of the complimentary fifth, you gave an analysis of the letters of James Monroe to Timothy Pickering. The newspapers of Paris and the departments have copied this correspondence between the Ambassador of the United States and the Secretary of State. I notice, however, that a few of them have omitted some important facts, whilst indulging in comments of such an extraordinary nature that it is clear they know neither Monroe's integrity nor the intrigues of Pitt in this affair.

The recall of Monroe is connected with circumstances so important to the interests of France and the United States, that we must be careful not to confound it with the recall of an ordinary individual. The Washington faction had affected to spread it abroad that James Monroe was the cause of rupture between the two republics.

This accusation is a perfidious and calumnious

one; since the main point in this affair is not so much the recall of a worthy, enlightened and Republican minister, as the ingratitude and clandestine maneuvering of the Government of Washington, who caused the misunderstanding by signing a treaty injurious to the French Republic.

James Monroe, in his letters, does not deny the right of government to withdraw its confidence from any one of its delegates, representatives, or agents. He has hinted, it is true, that caprice and temper are not in accordance with the spirit of paternal rule, and that whenever a representative government punishes or rewards, good faith, integrity and justice should replace *the good pleasure of kings.*

In the present case, they have done more than recall an agent. Had they confined themselves to depriving him of his appointment, James Monroe would have kept silence; but he has been accused of lighting the torch of discord in both republics. The refutation of this absurd and infamous reproach is the chief object of his correspondence. If he did not immediately complain of these slanders in his letters of the sixth and eighth [July], it is because he wished to use at first a certain degree of caution, and, if it were

possible, to stifle intestine troubles at their birth. He wished to reopen the way to peaceful negotiations to be conducted with good faith and justice.

The arguments of the Secretary of State on the rights of the supreme administration of the United States are peremptory; but the observations of Monroe on the hidden causes of his recall are touching; they come from the heart; they are characteristic of an excellent citizen.

If he does more than complain of his unjust recall as a man of feeling would; if he proudly asks for proofs of a grave accusation, it is after he has tried in vain every honest and straightforward means. He will not suffer that a government, sold to the enemies of freedom, should discharge upon him its shame, its crimes, its ingratitude, and all the odium of its unjust dealings.

Were Monroe to find himself an object of public hatred, the Republican party in the United States, that party which is the sincere ally of France, would be annihilated, and this is the aim of the English Government.

Imagine the triumph of Pitt, if Monroe and the other friends of freedom in America, should be unjustly attacked in France!

Monroe does not lay his cause before the

Senate since the Senate itself ratified the unconstitutional treaty; he appeals to the House of Representatives, and at the same time lays his cause before the upright tribunal of the American nation.

PRIVATE LETTER TO THOMAS JEFFERSON

Paris, October 1, 1800.

DEAR SIR—I wrote to you from Havre by the ship *Dublin Packet* in the year 1797. It was then my intention to return to America; but there were so many British frigates cruising in sight of the port, and which after a few days knew that I was at Havre waiting to go to America, that I did not think it best to trust myself to their discretion, and the more so, as I had no confidence in the captain of the *Dublin Packet* (Clay). I mentioned to you in that letter, which I believe you received through the hands of Colonel [Aaron] Burr, that I was glad since you were not President that you had accepted the nomination of Vice-president.

The commissioners, Ellsworth and company, have been here about eight months, and three more useless mortals never came upon public business. Their presence appears to me to have been rather an injury than a benefit. They set themselves up for a faction as soon as they arrived. I was then in Belgia. Upon my return to Paris I learned they had made a point of not

returning the visits of Mr. Skipwith and Barlow, because, they said, they had not the confidence of the Executive. Every known Republican was treated in the same manner.

I learned from Mr. Miller of Philadelphia, who had occasion to see them upon business, that they did not intend to return my visit, if I made one. This, I supposed, it was intended I should know, that I might not make one. It had the contrary effect. I went to see Mr. Ellsworth. I told him, I did not come to see him as a commissioner, nor to congratulate him upon his mission; that I came to see him because I had formerly known him in Congress.

"I mean not," said I, "to press you with any questions, or to engage you in any conversation upon the business you are come upon, but I will nevertheless candidly say that I know not what expectations the Government or the people of America may have of your mission, or what expectations you may have yourselves, but I believe you will find you can do but little. The treaty with England lies at the threshold of all your business. The American Government never did two more foolish things than when it signed that treaty and recalled Mr. Monroe, who was the only man could do them any service."

Mr. Ellsworth put on the dull gravity of a judge, and was silent. I added, "You may perhaps make a treaty like that you have made with England, which is a surrender of the rights of the American flag; for the principle that neutral ships make neutral property must be general or not at all." I then changed the subject, for I had all the talk to myself upon this topic, and inquired after Samuel Adams (I asked nothing about John), Mr. Jefferson, Mr. Monroe, and others of my friends; and the melancholy case of the yellow fever—of which he gave me as circumstantial an account as if he had been summing up a case to a jury.

Here my visit ended, and had Mr. Ellsworth been as cunning as a statesman, or as wise as a judge, he would have returned my visit that he might appear insensible of the intention of mine.

I now come to the affairs of this country and of Europe. You will, I suppose, have heard before this arrives to you, of the battle of Marengo in Italy, where the Austrians were defeated—of the armistice in consequence thereof, and the surrender of Milan, Genoa, etc., to the French—of the successes of the French Army in Germany—and the extension of the armistice

in that quarter—of the preliminaries of peace signed at Paris—of the refusal of the Emperor [of Austria] to ratify these preliminaries—of the breaking of the armistice by the French Government in consequence of that refusal—of the "gallant" expedition of the Emperor to put himself at the head of his army—of his pompous arrival there—of his having made his will—of prayers being put in all his churches for the preservation of the life of this hero—of General Moreau announcing to him, immediately on his arrival at the army, that hostilities would commence the day after the next at sunrise unless he signed the treaty or gave security that he would sign within forty-five days—of his surrendering up three of the principal keys of Germany (Ulm, Philipsburg, and Ingolstadt) as security that he would sign them.

This is the state things are now in, at the time of writing this letter; but it is proper to add that the refusal of the Emperor to sign the preliminaries was motived upon a note from the King of England to be admitted to the Congress for negotiating peace, which was consented to by the French upon the condition of an armistice at sea, which England, before knowing of

the surrender the Emperor had made, had refused.

From all which it appears to me, judging from circumstances, that the Emperor is now so completely in the hands of the French, that he has no way of getting out but by a peace. The Congress for the peace is to be held at Lunéville, a town in France. Since the affair of Rastadt the French commissioners will not trust themselves within the Emperor's territory.

I now come to domestic affairs. I know not what the commissioners have done, but from a paper I inclose to you, which appears to have some authority, it is not much. The paper as you will perceive is considerably prior to this letter. I know that the commissioners before this piece appeared intended setting off. It is therefore probable that what they have done is conformable to what this paper mentions, which certainly will not atone for the expense their mission has incurred, neither are they, by all the accounts I hear of them, men fitted for the business.

But independently of these matters there appears to be a state of circumstances rising, which if it goes on, will render all partial treaties unnecessary. In the first place I doubt if any peace will be made with England; and in the

second place, I should not wonder to see a coalition formed against her, to compel her to abandon her insolence on the seas. This brings me to speak of the manuscripts I send you.

The piece No. 1, without any title, was written in consequence of a question put to me by Bonaparte. As he supposed I knew England and English politics he sent a person to me to ask, that in case of negotiating a peace with Austria, whether it would be proper to include England. This was when Count St. Julian was in Paris, on the part of the Emperor negotiating the preliminaries:—which as I have before said the Emperor refused to sign on the pretense of admitting England.

The piece No. 2, entitled "On the Jacobinism of the English at Sea," was written when the English made their insolent and impolitic expedition to Denmark, and is also an auxiliary to the politic of No. 1. I showed it to a friend [Bonneville] who had it translated into French, and printed in the form of a pamphlet, and distributed gratis among the foreign ministers, and persons in the government. It was immediately copied into several of the French journals, and into the official paper, the *Moniteur*. It appeared in this paper one day before the last despatch ar-

rived from Egypt; which agreed perfectly with what I had said respecting Egypt. It hit the two cases of Denmark and Egypt in the exact proper moment.

The piece No. 3, entitled "Compact Maritime," is the sequel of No. 2, digested in form. It is translating at the time I write this letter, and I am to have a meeting with the Senator Garat upon the subject. The pieces 2 and 3 go off in manuscript to England, by a confidential person, where they will be published.

By all the news we get from the North there appears to be something meditating against England. It is now given for certain that Paul has embargoed all the English vessels and English property in Russia till some principle be established for protecting the rights of neutral nations, and securing the liberty of the seas.

The preparations in Denmark continue, notwithstanding the convention that she has made with England, which leaves the question with respect to the right set up by England to stop and search neutral vessels undecided. I send you the paragraphs upon the subject.

The tumults are great in all parts of England on account of the excessive price of corn and bread, which has risen since the harvest. I

attribute it more to the abundant increase of paper, and the non-circulation of cash, than to any other cause. People in trade can push the paper off as fast as they receive it, as they did by Continental money in America; but as farmers have not this opportunity, they endeavor to secure themselves by going considerably in advance.

I have now given you all the great articles of intelligence, for I trouble not myself with little ones, and consequently not with the commissioners, nor anything they are about, nor with John Adams, otherwise than to wish him safe home, and a better and wiser man in his place.

In the present state of circumstances and the prospects arising from them, it may be proper for America to consider whether it is worth her while to enter into any treaty at this moment, or to wait the event of those circumstances which if they go on will render partial treaties useless by deranging them.

But if, in the meantime, she enters into any treaty it ought to be with a condition to the following purpose: Reserving to herself the right of joining in an association of nations for the protection of the rights of neutral commerce and the security of the liberty of the seas.

The pieces 2, 3, may go to the press. They will make a small pamphlet and the printers are welcome to put my name to it. (It is best it should be put.) From thence they will get into the newspapers. I know that the faction of John Adams abuses me pretty heartily. They are welcome. It does not disturb me, and they lose their labor; and in return for it I am doing America more service, as a neutral nation, than their expensive commissioners can do, and she has that service from me for nothing. The piece No. 1 is only for your own amusement and that of your friends.

I come now to speak confidentially to you on a private subject. When Mr. Ellsworth and Davie return to America, Murray will return to Holland, and in that case there will be nobody in Paris but Mr. Skipwith that has been in the habit of transacting business with the French Government since the Revolution began.

He is on a good standing with them, and if the chance of the day should place you in the Presidency you cannot do better than appoint him for any purpose you may have occasion for in France. He is an honest man and will do his country justice, and that with civility and good manners to the government he is commissioned to

act with; a faculty which that Northern Bear, Timothy Pickering, wanted, and which the Bear of that Bear, John Adams, never possessed.

I know not much of Mr. Murray, otherwise than of his unfriendliness to every American who is not of his faction, but I am sure that Joel Barlow is a much fitter man to be in Holland than Mr. Murray. It is upon the fitness of the man to the place that I speak, for I have not communicated a thought upon the subject to Barlow, neither does he know, at the time of my writing this (for he is at Havre), that I have intention to do it.

I will now, by way of relief, amuse you with some account of the progress of iron bridges.

I have now made two other models [of bridges]. One is pasteboard, five feet span and five inches of height from the cords. It is in the opinion of every person who has seen it one of the most beautiful objects the eye can behold. I then cast a model in metal following the construction of that in pasteboard and of the same dimensions. The whole was executed in my own chamber. It is far superior in strength, elegance, and readiness in execution to the model I made in America, and which you saw in Paris. I shall bring those models with me when I come home,

which will be as soon as I can pass the seas in safety from the piratical John Bulls.

I suppose you have seen, or have heard of the Bishop of Llandaff's answer to my second part of the "Age of Reason." As soon as I got a copy of it I began a third part, which served also as an answer to the Bishop; but as soon as the clerical Society for Promoting Christian Knowledge knew of my intention to answer the Bishop, they prosecuted, as a society, the printer of the first and second parts, to prevent that answer appearing.

No other reason than this can be assigned for their prosecuting at the time they did, because the first part had been in circulation above three years and the second part more than one, and they prosecuted immediately on knowing that I was taking up their champion.

The Bishop's answer, like Mr. Burke's attack on the French Revolution, served me as a back-ground to bring forward other subjects upon, with more advantage than if the back-ground was not there. This is the motive that induced me to answer him, otherwise I should have gone on without taking any notice of him. I have made and am still making additions to

the manuscript, and shall continue to do so till an opportunity arrive for publishing it.

If any American frigate should come to France, and the direction of it fall to you, I will be glad you would give me the opportunity of returning. The abscess under which I suffered almost two years is entirely healed of itself, and I enjoy exceeding good health. This is the first of October, and Mr. Skipwith has just called to tell me the commissioners set off for Havre to-morrow. This will go by the frigate but not with the knowledge of the commissioners. Remember me with much affection to my friends and accept the same to yourself.

THOMAS PAINE.

PROPOSAL THAT LOUISIANA BE PURCHASED

(SENT TO THE PRESIDENT, CHRISTMAS DAY, 1802)

SPAIN has ceded Louisiana to France, and France has excluded Americans from New Orleans, and the navigation of the Mississippi. The people of the Western Territory have complained of it to their Government, and the Government is of consequence involved and interested in the affair. The question then is—What is the best step to be taken?

The one is to begin by memorial and remonstrance against an infraction of a right. The other is by accommodation—still keeping the right in view, but not making it a ground-work.

Suppose then the Government begin by making a proposal to France to repurchase the cession made to her by Spain, of Louisiana, provided it be with the consent of the people of Louisiana, or a majority thereof.

By beginning on this ground anything can be said without carrying the appearance of a threat. The growing power of the Western Territory can be stated as a matter of information, and also the impossibility of restraining

them from seizing upon New Orleans, and the equal impossibility of France to prevent it.

Suppose the proposal attended to, the sum to be given comes next on the carpet. This, on the part of America, will be estimated between the value of the commerce and the quantity of revenue that Louisiana will produce.

The French treasury is not only empty, but the Government has consumed by anticipation a great part of the next year's revenue. A monied proposal will, I believe, be attended to; if it should, the claims upon France can be stipulated as part of the payment, and that sum can be paid here to the claimants.

——I congratulate you on *The Birthday of the New Sun,* now called Christmas Day; and I make you a present of a thought on Louisiana.

T. P.

THOMAS PAINE TO THE CITIZENS OF THE UNITED STATES

And particularly to the Leaders of the Federal Faction

LETTER I

AFTER an absence of almost fifteen years, I am again returned to the country in whose dangers I bore my share, and to whose greatness I contributed my part.

When I sailed for Europe, in the spring of 1787, it was my intention to return to America the next year, and enjoy in retirement the esteem of my friends, and the repose I was entitled to. I had stood out the storm of one revolution, and had no wish to embark in another. But other scenes and other circumstances than those of contemplated ease were allotted to me.

The French Revolution was beginning to germinate when I arrived in France. The principles of it were good, they were copied from America, and the men who conducted it were honest. But the fury of faction soon extinguished the one, and sent the other to the scaffold. Of those who began that Revolution, I am almost the only survivor, and that through a

thousand dangers. I owe this not to the prayers of priests, nor to the piety of hypocrites, but to the continued protection of Providence.

But while I beheld with pleasure the dawn of liberty rising in Europe, I saw with regret the lustre of it fading in America. In less than two years from the time of my departure some distant symptoms painfully suggested the idea that the principles of the Revolution were expiring on the soil that produced them. I received at that time a letter from a female literary correspondent, and in my answer to her, I expressed my fears on that head.

I now know from the information I obtain upon the spot, that the impressions that then distressed me, for I was proud of America, were but too well founded. She was turning her back on her own glory, and making hasty strides in the retrograde path of oblivion. But a spark from the altar of *Seventy-six,* unextinguished and unextinguishable through the long night of error, is again lighting up, in every part of the Union, the genuine name of rational liberty.

As the French Revolution advanced, it fixed the attention of the world, and drew from the pensioned pen of Edmund Burke a furious attack. This brought me once more on the public

theater of politics, and occasioned the pamphlet "Rights of Man." It had the greatest run of any work ever published in the English language. The number of copies circulated in England, Scotland, and Ireland, besides translations into foreign languages, was between four and five hundred thousand.

The principles of that work were the same as those in "Common Sense," and the effects would have been the same in England as that had produced in America, could the vote of the nation been quietly taken, or had equal opportunities of consulting or acting existed. The only difference between the two works was, that the one was adapted to the local circumstances of England, and the other to those of America.

As to myself, I acted in both cases alike; I relinquished to the people of England, as I had done to those of America, all profits from the work. My reward existed in the ambition to do good, and the independent happiness of my own mind.

But a faction, acting in disguise, was rising in America; they had lost sight of first principles. They were beginning to contemplate government as a profitable monopoly, and the people as hereditary property. It is, therefore,

no wonder that the "Rights of Man" was attacked by that faction, and its author continually abused. But let them go on; give them rope enough and they will put an end to their own insignificance. There is too much common sense and independence in America to be long the dupe of any faction, foreign or domestic.

But, in the midst of the freedom we enjoy, the licentiousness of the papers called Federal (and I know not why they are called so, for they are in their principles anti-federal and despotic), is a dishonor to the character of the country, and an injury to its reputation and importance abroad. They represent the whole people of America as destitute of public principle and private manners.

As to any injury they can do at home to those whom they abuse, or service they can render to those who employ them, it is to be set down to the account of noisy nothingness. It is on themselves the disgrace recoils, for the reflection easily presents itself to every thinking mind, that *those who abuse liberty when they possess it would abuse power could they obtain it;* and, therefore, they may as well take as a general motto, for all such papers, *We and our patrons are not fit to be trusted with power.*

There is in America, more than in any other country, a large body of people who attend quietly to their farms, or follow their several occupations; who pay no regard to the clamors of anonymous scribblers, who think for themselves, and judge of government, not by the fury of newspaper writers, but by the prudent frugality of its measures, and the encouragement it gives to the improvement and prosperity of the country; and who, acting on their own judgment, never come forward in an election but on some important occasion.

When this body moves, all the little barkings of scribbling and witless curs pass for nothing. To say to this independent description of men, "You must turn out such and such persons at the next election, for they have taken off a great many taxes, and lessened the expenses of government, they have dismissed my son, or my brother, or myself, from a lucrative office, in which there was nothing to do"—is to show the cloven foot of faction, and preach the language of ill-disguised mortification.

In every part of the Union, this faction is in the agonies of death, and in proportion as its fate approaches, gnashes its teeth and struggles.

My arrival has struck it as with an hydrophobia, it is like the sight of water to canine madness.

As this letter is intended to announce my arrival to my friends, and to my enemies if I have any, for I ought to have none in America, and as introductory to others that will occasionally follow, I shall close it by detailing the line of conduct I shall pursue.

I have no occasion to ask, and do not intend to accept, any place or office in the Government. There is none it could give me that would be any ways equal to the profits I could make as an author, for I have an established fame in the literary world, could I reconcile it to my principles to make money by my politics or religion. I must be in everything what I have ever been, a disinterested volunteer; my proper sphere of action is on the common floor of citizenship, and to honest men I give my hand and my heart freely.

I have some manuscript works to publish, of which I shall give proper notice, and some mechanical affairs to bring forward, that will employ all my leisure time. I shall continue these letters as I see occasion, and as to the low party prints that choose to abuse me, they are welcome; I shall not descend to answer them.

I have been too much used to such common stuff to take any notice of it.

The Government of England honored me with a thousand martyrdoms, by burning me in effigy in every town in that country, and their hirelings in America may do the same.

THOMAS PAINE.

City of Washington.

LETTER II

AS the affairs of the country to which I am returned are of more importance to the world, and to me, than of that I have lately left (for it is through the New World the Old must be regenerated, if regenerated at all), I shall not take up the time of the reader with an account of scenes that have passed in France, many of which are painful to remember and horrid to relate, but come at once to the circumstances in which I find America on my arrival.

Fourteen years, and something more, have produced a change, at least among a part of the people, and I ask myself what it is? I meet or hear of thousands of my former connections, who are men of the same principles and friendships as when I left them. But a nondescript race, and of equivocal generation, assuming the name of *Federalist*—a name that describes no character of principle good or bad, and may equally be applied to either—has since started up with the rapidity of a mushroom, and like a mushroom is withering on its rootless stalk.

Are those men *federalized* to support the liberties of their country or to overturn them? To

add to its fair fame or riot on its spoils? The name contains no defined idea. It is like John Adams's definition of a republic, in his letter to Mr. Wythe of Virginia. *It is,* says he, *an empire of laws and not of men.* But as laws may be bad as well as good, an empire of laws may be the best of all governments or the worst of all tyrannies.

But John Adams is a man of paradoxical heresies, and consequently of a bewildered mind. He wrote a book entitled, "A Defense of the American Constitutions," and the principles of it are an attack upon them. But the book is descended to the tomb of forgetfulness, and the best fortune that can attend its author is quietly to follow its fate. John was not born for immortality. But, to return to Federalism.

In the history of parties and the names they assume, it often happens that they finish by the direct contrary principles with which they profess to begin, and thus it has happened with Federalism.

During the time of the old Congress, and prior to the establishment of the Federal Government, the Continental belt was too loosely buckled. The several states were united in name but not in fact, and that nominal union had

neither center nor circle. The laws of one state frequently interfered with, and sometimes opposed, those of another. Commerce between state and state was without protection, and confidence without a point to rest on. The condition the country was then in, was aptly described by Pelatiah Webster, when he said, *"thirteen staves and ne'er a hoop will not make a barrel."*

If, then, by *Federalist* is to be understood one who was for cementing the Union by a general government operating equally over all the states, in all matters that embraced the common interest, and to which the authority of the states severally was not adequate, for no one state can make laws to bind another; if, I say, by a *Federalist* is meant a person of this description (and this is the origin of the name), *I ought to stand first on the list of Federalists,* for the proposition for establishing a general government over the Union, came originally from me in 1783, in a written memorial to Chancellor Livingston, then Secretary for Foreign Affairs to Congress, Robert Morris, Minister of Finance, and his associate, Gouverneur Morris, all of whom are now living; and we had a dinner and conference at Robert Morris's on the subject. The occasion was as follows:

Congress had proposed a duty of five per cent

on imported articles, the money to be applied as a fund toward paying the interest of loans to be borrowed in Holland. The resolve was sent to the several states to be enacted into a law. Rhode Island absolutely refused. I was at the trouble of a journey to Rhode Island to reason with them on the subject. Some other of the states enacted it with alterations, each one as it pleased. Virginia adopted it, and afterwards repealed it, and the affair came to nothing.

It was then visible, at least to me, that either Congress must frame the laws necessary for the Union, and send them to the several states to be enregistered without any alteration, which would in itself appear like usurpation on one part and passive obedience on the other, or some method must be devised to accomplish the same end by constitutional principles; and the proposition I made in the memorial was, to *add a Continental legislature to Congress, to be elected by the several states.*

The proposition met the full approbation of the gentlemen to whom it was addressed, and the conversation turned on the manner of bringing it forward. Gouverneur Morris, in talking with me after dinner, wished me to throw out the idea in the newspaper; I replied, that I did not like

to be always the proposer of new things, that it would have too assuming an appearance; and besides, that *I did not think the country was quite wrong enough to be put right.*

I remember giving the same reason to Dr. Rush, at Philadelphia, and to General Gates, at whose quarters I spent a day on my return from Rhode Island; and I suppose they will remember it, because the observation seemed to strike them.

But the embarrassments increasing, as they necessarily must from the want of a better cemented union, the State of Virginia proposed holding a commercial convention, and that convention, which was not sufficiently numerous, proposed that another convention, with more extensive and better defined powers, should be held at Philadelphia, May 10, 1787.

When the plan of the Federal Government, formed by this convention, was proposed and submitted to the consideration of the several states, it was strongly objected to in each of them. But the objections were not on anti-federal grounds, but on constitutional points. Many were shocked at the idea of placing what is called executive power in the hands of a single individual. To

them it had too much the form and appearance of a military government, or a despotic one.

Others objected that the powers given to a president were too great, and that in the hands of an ambitious and designing man it might grow into tyranny as it did in England under Oliver Cromwell, and as it has since done in France. A republic must not only be so in its principles, but in its forms.

The executive part of the Federal Government was made for a man, and those who consented, against their judgment, to place executive power in the hands of a single individual, reposed more on the supposed moderation of the person they had in view, than on the wisdom of the measure itself.

Two considerations, however, overcame all objections. The one was, the absolute necessity of a federal government. The other, the rational reflections, that as government in America is founded on the representative system any error in the first essay could be reformed by the same quiet and rational process by which the Constitution was formed, and that either by the generation then living, or by those who were to succeed.

If ever America lose sight of this principle,

she will no longer be the *land of liberty.* The father will become the assassin of the rights of the son, and his descendants be a race of slaves.

As many thousands who were minors are grown up to manhood since the name of *Federalist* began, it became necessary, for their information, to go back and show the origin of the name, which is now no longer what it originally was; but it was the more necessary to do this, in order to bring forward, in the open face of day, the apostasy of those who first called themselves Federalists.

To them it served as a cloak for treason, a mask for tyranny. Scarcely were they placed in the seat of power and office, than federalism was to be destroyed, and the representative system of government, the pride and glory of America. and the palladium of her liberties, was to be overthrown and abolished. The next generation was not to be free. The son was to bend his neck beneath the father's foot, and live, deprived of his rights, under hereditary control.

Among the men of this apostate description, is to be ranked the ex-President *John Adams.* It has been the political career of this man to begin with hypocrisy, proceed with arrogance, and

finish in contempt. May such be the fate of all such characters.

I have had doubts of John Adams ever since the year 1776. In a conversation with me at that time, concerning the pamphlet "Common Sense," he censured it because it attacked the English form of government. John was for independence because he expected to be made great by it; but it was not difficult to perceive, for the surliness of his temper makes him an awkward hypocrite, that his head was as full of kings, queens, and knaves, as a pack of cards. But John has lost deal.

When a man has a concealed project in his brain that he wants to bring forward, and fears will not succeed, he begins with it as physicians do by suspected poison, try it first on an animal; if it agree with the stomach of the animal he makes further experiments, and this was the way John took. His brain was teeming with projects to overturn the liberties of America, and the representative system of government, and he began by hinting it in little companies.

The secretary of John Jay, an excellent painter and a poor politician, told me, in presence of another American, Daniel Parker, that in a company where himself was present, John Adams

talked of making the government hereditary, and that as Mr. Washington had no children, it should be made hereditary in the family of Lund Washington.

John had not impudence enough to propose himself in the first instance, as the old French Normandy baron did, who offered to come over to be king of America, and if Congress did not accept his offer, that they would give him thirty thousand pounds for the generosity of it; but John, like a mole, was grubbing his way to it under ground. He knew that Lund Washington was unknown, for nobody had heard of him, and that as the President had no children to succeed him, the Vice-president had, and if the treason had succeeded, and the hint with it, the goldsmith might be sent for to take measure of the head of John or of his son for a golden wig.

In this case, the good people of Boston might have for a king the man they have rejected as a delegate. The representative system is fatal to ambition.

Knowing, as I do, the consummate vanity of John Adams, and the shallowness of his judgment, I can easily picture to myself that when he arrived at the federal city he was strutting in the pomp of his imagination before the presidential

house, or in the audience hall, and exulting in the language of Nebuchadnezzar, "Is not this great Babylon, that I have built for the honor of my Majesty!" But in that unfortunate hour, or soon after, John, like Nebuchadnezzar, was driven from among men, and fled with the speed of a post-horse.

Some of John Adams's loyal subjects, I see, have been to present him with an address on his birthday; but the language they use is too tame for the occasion. Birthday addresses, like birthday odes, should not creep along like mildrops down a cabbage leaf, but roll in a torrent of poetical metaphor. I will give them a specimen for the next year. Here it is:

When an ant, in traveling over the globe, lifts up its foot, and puts it again on the ground, it shakes the earth to its center: but when YOU, the mighty Ant of the East, was born, etc., etc., etc., the center jumped upon the surface.

This, gentlemen, is the proper style of addresses from *well-bred* ants to the monarch of the ant hills; and as I never take pay for preaching, praying, politics, or poetry, I make you a present of it. Some people talk of impeaching John Adams; but I am for softer measures. I would keep him to make fun of. He will then answer

one of the ends for which he was born, and he ought to be thankful that I am arrived to take his part.

I voted in earnest to save the life of one unfortunate king, and I now vote in jest to save another. It is my fate to be always plagued with fools. But to return to Federalism and apostasy.

The plan of the leaders of the faction was to overthrow the liberties of the New World, and place government on the corrupt system of the Old. They wanted to hold their power by a more lasting tenure than the choice of their constituents. It is impossible to account for their conduct and the measures they adopted on any other ground.

But to accomplish that object, a standing army and a prodigal revenue must be raised; and to obtain these, pretenses must be invented to deceive. Alarms of dangers that did not exist even in imagination, but in the direct spirit of lying, were spread abroad. Apostasy stalked through the land in the garb of patriotism, and the torch of treason blinded for a while the flame of liberty.

For what purpose could an army of twenty-five thousand men be wanted? A single reflection might have taught the most credulous that

while the war raged between France and England, neither could spare a man to invade America. For what purpose, then, could it be wanted? The case carries its own explanation. It was wanted for the purpose of destroying the representative system, for it could be employed for no other. Are these men Federalists? If they are, they are federalized to deceive and to destroy.

The rage against Dr. Logan's patriotic and voluntary mission to France was excited by the shame they felt at the detection of the false alarms they had circulated. As to the opposition given by the remnant of the faction to the repeal of the taxes laid on during the former Administration, it is easily accounted for. The repeal of those taxes was a sentence of condemnation on those who laid them on, and in the opposition they gave in that repeal, they are to be considered in the light of criminals standing on their defense, and the country has passed judgment upon them.

THOMAS PAINE.

City of Washington, Lovett's Hotel,
November 19, 1802.

LETTER III

TO ELECT, and to REJECT, is the prerogative of a free people.

Since the establishment of independence, no period has arrived that so decidedly proves the excellence of the representative system of government, and its superiority over every other, as the time we now live in. Had America been cursed with John Adams's *hereditary Monarchy,* or Alexander Hamilton's *Senate for life,* she must have sought, in the doubtful contest of civil war, what she now obtains by the expression of public will. An appeal to elections decides better than an appeal to the sword.

The Reign of Terror that raged in America during the latter end of the Washington Administration, and the whole of that of Adams, is enveloped in mystery to me. That there were men in the Government hostile to the representative system, was once their boast, though it is now their overthrow, and therefore the fact is established against them.

But that so large a mass of the people should become the dupes of those who were loading them with taxes in order to load them with chains, and deprive them of the right of election, can be ascribed only to that species of wildfire rage, light-

ed up by falsehood, that not only acts without reflection, but is too impetuous to make any.

There is a general and striking difference between the genuine effects of truth itself, and the effects of falsehood believed to be truth. Truth is naturally benign; but falsehood believed to be truth is always furious. The former delights in serenity, is mild and persuasive, and seeks not the auxiliary aid of invention. The latter sticks at nothing.

It has naturally no morals. Every lie is welcome that suits its purpose. It is the innate character of the thing to act in this manner, and the criterion by which it may be known, whether in politics or religion. When anything is attempted to be supported by lying, it is presumptive evidence that the thing so supported is a lie also. The stock on which a lie can be grafted must be of the same species as the graft.

What is become of the mighty clamor of French invasion, and the cry that our country is in danger, and taxes and armies must be raised to defend it? The danger is fled with the faction that created it, and what is worst of all, the money is fled too. It is I only that have committed the hostility of invasion, and all the artillery of popguns are prepared for action.

Poor fellows, how they foam! They set half their own partisans in laughter; for among ridiculous things nothing is more ridiculous than ridiculous rage. But I hope they will not leave off. I shall lose half my greatness when they cease to lie.

So far as respects myself, I have reason to believe, and a right to say, that the leaders of the Reign of Terror in America and the leaders of the Reign of Terror in France, during the time of Robespierre, were in character the same sort of men; or how is it to be accounted for, that I was persecuted by both at the same time? When I was voted out of the French Convention, the reason assigned for it was, that I was a foreigner.

When Robespierre had me seized in the night, and imprisoned in the Luxembourg (where I remained eleven months), he assigned no reason for it. But when he proposed bringing me to the tribunal, which was like sending me at once to the scaffold, he then assigned a reason, and the reason was, *for the interests of America as well as of* France. *"Pour les interêts de l'Amérique autant que de la France."*

The words are in his own hand writing, and reported to the Convention by the committee appointed to examine his papers, and are printed in their report, with this reflection added to them,

"Why Thomas Paine more than another? Because he contributed to the liberty of both worlds."

There must have been a coalition in sentiment, if not in fact, between the Terrorists of America and the Terrorists of France, and Robespierre must have known it, or he could not have had the idea of putting America into the bill of accusation against me.

Yet these men, these Terrorists of the New World, who were waiting in the devotion of their hearts for the joyful news of my destruction, are the same banditti who are now bellowing in all the hackneyed language of hackneyed hypocrisy, about humanity, and piety, and often about something they call infidelity, and they finish with the chorus of *Crucify him, crucify him.* I am become so famous among them, they cannot eat or drink without me. I serve them as a standing dish, and they cannot make up a bill of fare if I am not in it.

But there is one dish, and that the choicest of all, that they have not presented on the table, and it is time they should. They have not yet *accused Providence of Infidelity.* Yet according to their outrageous piety, she must be as bad as Thomas Paine; she has protected him in all his

dangers, patronized him in all his undertaking, encouraged him in all his ways, and rewarded him at last by bringing him in safety and in health to the Promised Land.

This is more than she did by the Jews, the chosen people, that they tell us she brought out of the land of Egypt, and out of the house of bondage; for they all died in the wilderness, and Moses too.

I was one of the nine members that composed the first Committee of Constitution. Six of them have been destroyed. Sieyès and myself have survived—he by bending with the times, and I by not bending. The other survivor joined Robespierre; he was seized and imprisoned in his turn, and sentenced to transportation. He has since apologized to me for having signed the warrant, by saying he felt himself in danger and was obliged to do it.

Herault Sechelles, an acquaintance of Mr. Jefferson, and a good patriot, was my *suppléant* as member of the Committee of Constitution, that is, he was to supply my place, if I had not accepted or had resigned, being next in number of votes to me. He was imprisoned in the Luxembourg with me, was taken to the tribunal and the guillotine, and I, his principal, was left.

There were two foreigners in the Convention, Anarcharsis Clootz and myself. We were both put out of the Convention by the same vote, arrested by the same order, and carried to prison together the same night. He was taken to the guillotine, and I was again left. Joel Barlow was with us when we went to prison.

Joseph Lebon, one of the vilest characters that ever existed, and who made the streets of Arras run with blood, was my *suppléant,* as member of the Convention for the department of the Pas de Calais. When I was put out of the Convention he came and took my place. When I was liberated from prison and voted again into the Convention, he was sent to the same prison and took my place there, and he was sent to the guillotine instead of me. He supplied my place all the way through.

One hundred and sixty-eight persons were taken out of the Luxembourg in one night, and a hundred and sixty of them guillotined next day, of which I now know I was to have been one; and the manner I escaped that fate is curious, and has all the appearance of accident.

The room in which I was lodged was on the ground floor, and one of a long range of rooms under a gallery, and the door of it opened out-

ward and flat against the wall; so that when it was open the inside of the door appeared outward, and the contrary when it was shut. I had three comrades, fellow prisoners with me, Joseph Vanhuele, of Bruges, since president of the municipality of that town, Michael Rubyns, and Charles Bastini of Louvain.

When persons by scores and by hundreds were to be taken out of the prison for the guillotine it was always done in the night, and those who performed that office had a private mark or signal, by which they knew what rooms to go to, and what number to take. We, as I have stated, were four, and the door of our room was marked, unobserved by us, with that number in chalk; but it happened, if happening is a proper word, that the mark was put on when the door was open, and flat against the wall, and thereby came on the inside when we shut it at night, and the destroying angel passed by it. A few days after this, Robespierre fell, and Mr. Monroe arrived and reclaimed me, and invited me to his house.

During the whole of my imprisonment, prior to the fall of Robespierre, there was no time when I could think my life worth twenty-four hours, and my mind was made up to meet its fate. The Americans in Paris went in a body to the Con-

vention to reclaim me, but without success. There was no party among them with respect to me.

My only hope then rested on the Government of America, that it would *remember me.* But the icy heart of ingratitude, in whatever man it be placed, has neither feeling nor sense of honor. The letter of Mr. Jefferson has served to wipe away the reproach, and done justice to the mass of the people of America.

When a party was forming, in the latter end of 1777, and beginning of 1778, of which John Adams was one, to remove Mr. Washington from the command of the army on the complaint that *he did nothing,* I wrote the fifth number of the "Crisis," and published it at Lancaster (Congress then being at York Town, in Pennsylvania), to ward off that meditated blow; for though I well knew that the black times of '76 were the natural consequence of his want of military judgment in the choice of positions into which the army was put about New York and New Jersey, I could see no possible advantage, and nothing but mischief, that could arise by distracting the army into parties, which would have been the case had the intended motion gone on.

General [Charles] Lee, who with a sarcastic

genius joined [to] a great fund of military knowledge, was perfectly right when he said *"We have no business on islands, and in the bottom of bogs, where the enemy, by the aid of its ships, can bring its whole force against a part of ours and shut it up."* This had like to have been the case at New York, and it was the case at Fort Washington, and would have been the case at Fort Lee if General [Nathanael] Greene had not moved instantly off on the first news of the enemy's approach. I was with Greene through the whole of that affair, and know it perfectly.

But though I came forward in defense of Mr. Washington when he was attacked, and made the best that could be made of a series of blunders that had nearly ruined the country, he left me to perish when I was in prison. But as I told him of it in his life-time, I should not now bring it up if the ignorant impertinence of some of the Federal papers, who are pushing Mr. Washington forward as their stalking horse, did not make it necessary.

That gentleman did not perform his part in the Revolution better, nor with more honor, than I did mine, and the one part was as necessary as the other. He accepted as a present (though he was already rich), a hundred thousand acres of

land in America, and left me to occupy six foot of earth in France.

I wish, for his own reputation, he had acted with more justice. But it was always known of Mr. Washington, by those who best knew him, that he was of such an icy and death-like constitution, that he neither loved his friends nor hated his enemies. But, be this as it may, I see no reason that a difference between Mr. Washington and me should be made a theme of discord with other people. There are those who may see merit in both, without making themselves partisans of either, and with this reflection I close the subject.

As to the hypocritical abuse thrown out by the Federalists on other subjects, I recommend to them the observance of a commandment that existed before either Christian or Jew existed:

> Thou shalt make a covenant with thy senses:
> With thine eye, that it behold no evil,
> With thine ear, that it hear no evil,
> With thy tongue, that it speak no evil,
> With thy hands, that they commit no evil.

If the Federalists will follow this commandment, they will leave off lying.

THOMAS PAINE.

Federal City, Lovett's Hotel,
November 26, 1802.

LETTER IV

AS Congress is on the point of meeting, the public papers will necessarily be occupied with the debates of the ensuing session, and as, in consequence of my long absence from America, my private affairs require my attendance (for it is necessary I do this, or I could not preserve, as I do, my independence), I shall close my address to the public with this letter.

I congratulate them on the success of the late elections, and *that* with the additional confidence, that while honest men are chosen and wise measures pursued, neither the treason of apostasy, masked under the name of Federalism, of which I have spoken in my second letter, nor the intrigues of foreign emissaries, acting in concert with that mask, can prevail.

As to the licentiousness of the papers calling themselves *Federal,* a name that apostasy has taken, it can hurt nobody but the party or the persons who support such papers. There is naturally a wholesome pride in the public mind that revolts at open vulgarity. It feels itself dishonored even by hearing it, as a chaste woman feels dishonor by hearing obscenity she cannot avoid. It can smile at wit, or be diverted with

strokes of satirical humor, but it detests the *blackguard.*

The same sense of propriety that governs in private companies, governs in public life. If a man in company runs his wit upon another, it may draw a smile from some persons present, but as soon as he turns a blackguard in his language the company gives him up; and it is the same in public life.

The event of the late election shows this to be true; for in proportion as those papers have become more and more vulgar and abusive, the elections have gone more and more against the party they support, or that supports them. Their predecessor, *Porcupine* [Cobbett] had wit —these scribblers have none. But as soon as his *blackguardism* (for it is the proper name of it) outran his wit, he was abandoned by everybody but the English minister who protected him.

The Spanish proverb says, *"there never was a cover large enough to hide itself";* and the proverb applies to the case of those papers and the shattered remnant of the faction that supports them. The falsehoods they fabricate, and the abuse they circulate, is a cover to hide something from being seen, but it is not large enough to hide itself. It is as a tub thrown out to the whale

to prevent its attacking and sinking the vessel. They want to draw the attention of the public from thinking about, or inquiring into, the measures of the late Administration, and the reason why so much public money was raised and expended; and so far as a lie to-day, and a new one to-morrow, will answer this purpose, it answers theirs. It is nothing to them whether they be believed or not, for if the negative purpose be answered the main point is answered, to them.

He that picks your pocket always tries to make you look another way. "Look," says he, "at yon man t'other side the street—what a nose he has got?—Lord, yonder is a chimney on fire!—Do you see yon man going along in the salamander great coat? That is the very man that stole one of Jupiter's satellites, and sold it to a countryman for a gold watch, and it set his breeches on fire!"

Now the man that has his hand in your pocket, does not care a farthing whether you believe what he says or not. All his aim is to prevent your looking at *him;* and this is the case with the remnant of the Federal faction. The leaders of it have imposed upon the country, and they want to turn the attention of it from the subject.

In taking up any public matter, I have never

made it a consideration, and never will, whether it be popular or unpopular; but whether it be *right* or *wrong*. The right will always become the popular, if it has courage to show itself, and the shortest way is always a straight line.

I despise expedients, they are the gutter-hole of politics, and the sink where reputation dies. In the present case, as in every other, I cannot be accused of using any; and I have no doubt but thousands will hereafter be ready to say, as Gouverneur Morris said to me, after having abused me pretty handsomely in Congress for the opposition I gave the fraudulent demand of Silas Deane of two thousand pounds sterling: *"Well, we were all duped, and I among the rest!"*

Were the late Administration to be called upon to give reasons for the expense it put the country to, it can give none. The danger of an invasion was a bubble that served as a cover to raise taxes and armies to be employed on some other purpose. But if the people of America believed it true, the cheerfulness with which they supported those measures and paid those taxes is an evidence of their patriotism; and if they supposed me their enemy, though in that supposition they did me injustice, it was not injustice

in them. He that acts as he believes, though he may act wrong, is not conscious of wrong.

But though there was no danger, no thanks are due to the late Administration for it. They sought to blow up a flame between the two countries; and so intent were they upon this, that they went out of their way to accomplish it. In a letter which the Secretary of State, Timothy Pickering, wrote to Mr. Skipwith, the American Consul at Paris, he broke off from the official subject of his letter, to *thank God* in very exulting language, *that the Russians had cut the French Army to pieces.* Mr. Skipwith, after showing me the letter, very prudently concealed it.

It was the injudicious and wicked acrimony of this letter, and some other like conduct of the then secretary of state, that occasioned me, in a letter to a friend in the Government, to say, that if there was any official business to be done in France, till a regular minister could be appointed, it could not be trusted to a more proper person than Mr. Skipwith. *"He is,"* said I, *"an honest man, and will do business, and that with good manners to the government he is commissioned to act with. A faculty which that* BEAR, *Timo-*

thy Pickering, wanted, and which the BEAR *of that* BEAR, *John Adams, never possessed.*"

In another letter to the same friend, in 1797, and which was put unsealed under cover to Colonel Burr, I expressed a satisfaction that Mr. Jefferson, since he was not President, had accepted the Vice-presidency; "*for,*" said I, "*John Adams has such a talent for blundering and offending, it will be necessary to keep an eye over him.*" He has now sufficiently proved, that though I have not the spirit of prophecy, I have the gift of *judging right.*

And all the world knows, for it cannot help knowing, that to judge *rightly* and to write *clearly,* and that upon all sorts of subjects, to be able to command thought and as it were to play with it at pleasure, and be always master of one's temper in writing, is the faculty only of a serene mind, and the attribute of a happy and philosophical temperament.

The scribblers, who know me not, and who fill their papers with paragraphs about me, besides their want of talents, drink too many slings and drams in a morning to have any chance with me. But, poor fellows, they must do something for the little pittance they get from their employers. This is my apology for them.

My anxiety to get back to America was great for many years. It is the country of my heart, and the place of my political and literary birth. It was the American Revolution that made me an author, and forced into action the mind that had been dormant, and had no wish for public life, nor has it now.

By the accounts I received, she appeared to me to be going wrong, and that some meditated treason against her liberties lurked at the bottom of her government. I heard that my friends were oppressed, and I longed to take my stand among them, and if other times to *try men's souls* were to arrive, that I might bear my share. But my efforts to return were ineffectual.

As soon as Mr. Monroe had made a good standing with the French Government, for the conduct of his predecessor [Morris] had made his reception as minister difficult, he wanted to send despatches to his own Government by a person to whom he could confide a verbal communication, and he fixed his choice on me. He then applied to the Committee of Public Safety for a passport; but as I had been voted again into the Convention, it was only the Convention that could give the passport; and as an application to them for that purpose, would have made my going

publicly known, I was obliged to sustain the disappointment, and Mr. Monroe to lose the opportunity.

When that gentleman left France to return to America, I was to have gone with him. It was fortunate I did not. The vessel he sailed in was visited by a British frigate, that searched every part of it, and down to the hold, for Thomas Paine. I then went, the same year, to embark at Havre. But several British frigates were cruising in sight of the port who knew I was there, and I had to return again to Paris.

Seeing myself thus cut off from every opportunity that was in my power to command, I wrote to Mr. Jefferson, that, if the fate of the election should put him in the chair of the Presidency, and he should have occasion to send a frigate to France, he would give me the opportunity of returning by it, which he did. But I declined coming by the *Maryland,* the vessel that was offered me, and waited for the frigate that was to bring the new minister, Mr. Chancellor Livingston, to France.

But that frigate was ordered round to the Mediterranean; and as at that time the war was over, and the British cruisers called in, I could come any way. I then agreed to come with Com-

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modore Barney in a vessel he had engaged. It was again fortunate I did not, for the vessel sank at sea, and the people were preserved in the boat.

Had half the number of evils befallen me that the number of dangers amount to through which I have been preserved, there are those who would ascribe it to the wrath of heaven; why then do they not ascribe my preservation to the protecting favor of heaven?

Even in my worldly concerns, I have been blessed. The little property I left in America, and which I cared nothing about, not even to receive the rent of it, has been increasing in the value of its capital more than eight hundred dollars every year, for the fourteen years and more that I have been absent from it. I am now in my circumstances independent; and my economy makes me rich. As to my health, it is perfectly good, and I leave the world to judge of the stature of my mind. I am in every instance a living contradiction to the mortified Federalists.

In my publications, I follow the rule I began with in "Common Sense," that is, to consult nobody, nor to let anybody see what I write till it appears publicly. Were I to do otherwise, the case would be, that between the timidity of some,

who are so afraid of doing wrong that they never do right, the puny judgment of others, and the despicable craft of preferring *expedient to right,* as if the world was a world of babies in leading strings, I should get forward with nothing.

My path is a right line, as straight and clear to me as a ray of light. The boldness (if they will have it to be so) with which I speak on any subject, is a compliment to the judgment of the reader. It is like saying to him, *I treat you as a man and not as a child.* With respect to any worldly object, as it is impossible to discover any in me, therefore what I do, and my manner of doing it, ought to be ascribed to a good motive.

In a great affair, where the happiness of man is at stake, I love to work for nothing; and so fully am I under the influence of this principle, that I should lose the spirit, the pleasure, and the pride of it, were I conscious that I looked for reward; and with this declaration, I take my leave for the present.

THOMAS PAINE.

Federal City, Lovett's Hotel,
December 3, 1802.

LETTER V.

IT is always the interest of a far greater part of the nation to have a thing right than to have it wrong; and therefore, in a country whose government is founded on the system of election and representation, the fate of every party is decided by its principles.

As this system is the only form and principle of government by which liberty can be preserved, and the only one that can embrace all the varieties of a great extent of country, it necessarily follows, that to have the representation real, the election must be real; and that where the election is a fiction, the representation is a fiction also. *Like will always produce like.*

A great deal has been said and written concerning the conduct of Mr. Burr, during the late contest, in the Federal Legislature, whether Mr. Jefferson or Mr. Burr should be declared President of the United States. Mr. Burr has been accused of intriguing to obtain the Presidency. Whether this charge be substantiated or not makes little or no part of the purport of this letter.

There is a point of much higher importance

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to attend to than anything that relates to the individual Mr. Burr: for the great point is not whether Mr. Burr has intrigued, but whether the Legislature has intrigued with *him.*

Mr. Ogden, a relation of one of the senators of New Jersey of the same name, and of the party assuming the style of Federalists, has written a letter published in the New York papers, signed with his name, the purport of which is to exculpate Mr. Burr from the charges brought against him. In this letter he says:

"When about to return from Washington, two or three *members of Congress* of the Federal party spoke to me of *their views,* as to the election of a president, desiring me to converse with Colonel Burr on the subject, and to ascertain *whether he would enter into terms.* On my return to New York I called on Colonel Burr, and communicated the above to him. He explicitly declined the explanation, and did neither propose nor agree to any terms."

How nearly is human cunning allied to folly! The animals to whom nature has given the faculty we call *cunning,* know always when to use it, and use it wisely; but when man descends to cunning, he blunders and betrays.

Mr. Ogden's letter is intended to exculpate

Mr. Burr from the charge of intriguing to obtain the Presidency; and the letter that he (Ogden) writes for this purpose is direct evidence against his party in Congress, that they intrigued with Burr to obtain him for President, and employed him (Ogden) for the purpose. To save *Aaron,* he betrays *Moses,* and then turns informer against the *Golden Calf*.

It is but of little importance to the world to know if Mr. Burr *listened* to an intriguing proposal, but it is of great importance to the constituents to know if their representatives in Congress made one. The ear can commit no crime, but the tongue may; and therefore the right policy is to drop Mr. Burr, as being only the hearer, and direct the whole charge against the Federal faction in Congress as the active original culprit, or, if the priests will have Scripture for it, as the serpent that beguiled Eve.

The plot of the intrigue was to make Mr. Burr President, on the private condition of his agreeing to, and entering into, terms with them, that is, with the proposers. Had then the election been made, the country, knowing nothing of this private and illegal transaction, would have supposed, for who could have supposed otherwise,

that it had a President according to the forms, principles, and intention of the Constitution.

No such thing. Every form, principle, and intention of the Constitution would have been violated; and instead of a President, it would have had a mute, a sort of image, hand-bound and tongue-tied, the dupe and slave of a party, placed on the theater of the United States, and acting the farce of President.

It is of little importance, in a constitutional sense, to know what the terms to be proposed might be, because any terms other than those which the Constitution prescribes to a President are criminal. Neither do I see how Mr. Burr, or any other person put in the same condition, could have taken the oath prescribed by the Constitution to a President, which is, "*I do solemnly swear* (or affirm) *that I will faithfully execute the office of President of the United States, and will to the best of my ability preserve, protect, and defend the Constitution of the United States.*"

How, I ask, could such a person have taken such an oath, knowing at the same time that he had entered into the Presidency on terms unknown in the Constitution, and private, and which would deprive him of the freedom and power of

acting as President of the United States, agreeably to his constitutional oath?

Mr. Burr, by not agreeing to terms, has escaped the danger to which they exposed him, and the perjury that would have followed, and also the punishment annexed thereto. Had he accepted the Presidency on terms unknown in the Constitution, and private, and had the transaction afterwards transpired (which it most probably would, for roguery is a thing difficult to conceal), it would have produced a sensation in the country too violent to be quieted, and too just to be resisted; and in any case the election must have been void.

But what are we to think of those members of Congress, who having taken an oath of the same constitutional import as the oath of the President, violate that oath by tampering to obtain a President on private conditions? If this is not sedition against the Constitution and the country, it is difficult to define what sedition in a representative can be.

Say not that this statement of the case is the effect of personal or party resentment. No. It is the effect of *sincere concern* that such corruption, of which this is but a sample, should, in the space of a few years, have crept into a country

that had the fairest opportunity that Providence ever gave, within the knowledge of history, of making itself an illustrious example to the world.

What the terms were, or were to be, it is probable we never shall know; or what is more probable, that feigned ones, if any, will be given. But from the conduct of the party since that time we may conclude, that no taxes would have been taken off, that the clamor for war would have been kept up, new expenses incurred, and taxes and offices increased in consequence; and, among the articles of a private nature, that the leaders in this seditious traffic were to stipulate with the mock President for lucrative appointments for themselves.

But if these plotters against the Constitution understood their business, and they had been plotting long enough to be masters of it, a single article would have comprehended everything, which is, *That the President (thus made) should be governed in all cases whatsoever by a private junto appointed by themselves.* They could then, through the medium of a mock President, have negatived all bills which their party in Congress could not have opposed with success, and reduced representation to a nullity.

The country has been imposed upon, and the

real culprits are but few; and as it is necessary for the peace, harmony, and honor of the Union, to separate the deceiver from the deceived, the betrayer from the betrayed, that men who once were friends, and that in the worst of times, should be friends again, it is necessary, as a beginning, that this dark business be brought to full investigation. Ogden's letter is direct evidence of the fact of tampering to obtain a conditional president. He knows the two or three members of Congress that commissioned him, and they know who commissioned them.

THOMAS PAINE.

Federal City, Lovett's Hotel,
January 29, 1803.

LETTER VI

RELIGION and War is the cry of the Federalists; Morality and Peace the voice of Republicans. The union of morality and peace is congenial; but that of religion and war is a paradox, and the solution of it is hypocrisy.

The leaders of the Federalists have no judgment; their plans no consistency of parts; and want of consistency is the natural consequence of want of principle.

They exhibit to the world the curious spectacle of an *Opposition* without a *cause,* and conduct without system. Were they, as doctors, to prescribe medicine as they practise politics, they would poison their patients with destructive compounds.

There are not two things more opposed to each other than war and religion; and yet, in the double game those leaders have to play, the one is necessarily the theme of their politics, and the other the text of their sermons. The week-day orator of Mars, and the Sunday preacher of Federal grace, play like gamblers into each other's hands, and this they call religion.

Though hypocrisy can counterfeit every vir-

tue, and become the associate of every vice, it requires a great dexterity of craft to give it the power of deceiving. A painted sun may glisten, but it cannot warm. For hypocrisy to personate virtue successfully it must know and feel what virtue is, and as it cannot long do this, it cannot long deceive. When an orator foaming for war breathes forth in another sentence a *plaintive piety of words,* he may as well write HYPOCRISY on his front.

The late attempt of the Federal leaders in Congress (for they acted without the knowledge of their constituents) to plunge the country into war, merits not only reproach but indignation. It was madness, conceived in ignorance and acted in wickedness. The head and the heart went partners in the crime.

A neglect of punctuality in the performance of a treaty is made a *cause* of war by the *Barbary Powers,* and of remonstrance and explanation by *civilized Powers.* The Mahometans of Barbary negotiate by the sword—they seize first, and expostulate afterwards; and the Federal leaders have been laboring to *barbarize* the United States by adopting the practise of the Barbary States, and this they call honor. Let their honor and their hypocrisy go weep together, for both are

defeated. Their present Administration is too moral for hypocrites, and too economical for public spendthrifts.

A man the least acquainted with diplomatic affairs must know that a neglect in punctuality is not one of the legal causes of war, unless that neglect be confirmed by a refusal to perform; and even then it depends upon circumstances connected with it. The world would be in continual quarrels and war, and commerce be annihilated, if Algerine policy was the law of nations.

And were America, instead of becoming an example to the Old World of good and moral government and civil manners, or, if they like it better, of gentlemanly conduct toward other nations, to set up the character of ruffian, that of *word and blow, and the blow first,* and thereby give the example of pulling down the little that civilization has gained upon barbarism, her independence, instead of being an honor and a blessing, would become a curse upon the world and upon herself.

The conduct of the Barbary Powers, though unjust in principle, is suited to their prejudices, situation, and circumstances. The crusades of the Church to exterminate them fixed in their

minds the unobliterated belief that every Christian power was their mortal enemy.

Their religious prejudices, therefore, suggest the policy, which their situation and circumstances protect them in. As a people, they are neither commercial nor agricultural, they neither import nor export, have no property floating on the seas, nor ships and cargoes in the ports of foreign nations. No retaliation, therefore, can be acted upon them, and they sin secure from punishment.

But this is not the case with the United States. If she sins as a Barbary Power, she must answer for it as a civilized one. Her commerce is continually passing on the seas, exposed to capture, and her ships and cargoes in foreign ports to detention and reprisal. An act of war committed by her in the Mississippi would produce a war against the commerce of the Atlantic States, and the latter would have to curse the policy that provoked the former.

In every point, therefore, in which the character and interest of the United States be considered, it would ill become her to set an example contrary to the policy and custom of civilized powers, and practised only by the Barbary Powers, that of striking before she expostulates.

But can any man, calling himself a legislator,

and supposed by his constituents to know something of his duty, be so ignorant as to imagine that seizing on New Orleans would finish the affair or even contribute toward it? On the contrary it would have made it worse.

The treaty right of deposit at New Orleans, and the right of the navigation of the Mississippi into the Gulf of Mexico, are distant things. New Orleans is more than a hundred miles in the country from the mouth of the river, and, as a place of deposit, is of no value if the mouth of the river be shut, which either France or Spain could do, and which our possession of New Orleans could neither prevent nor remove.

New Orleans in our possession, by an act of hostility, would have become a blockaded port, and consequently of no value to the Western people as a place of deposit. Since, therefore, an interruption had arisen to the commerce of the Western States, and until the matter could be brought to a fair explanation, it was of less injury to have the port shut and the river open, than to have the river shut and the port in our possession.

That New Orleans could be taken required no stretch of policy to plan, nor spirit of enterprise to effect. It was like marching behind a man to

knock him down: and the dastardly slyness of such an attack would have stained the fame of the United States. Where there is no danger cowards are bold, and Captain Bobadils are to be found in the Senate as well as on the stage. Even *Gouverneur*, on such a march, dare have shown a leg.

The people of the Western country to whom the Mississippi serves as an inland sea to their commerce, must be supposed to understand the circumstances of that commerce better than a man who is a stranger to it; and as they have shown no approbation of the war-whoop measures of the Federal senators, it becomes presumptive evidence they disapprove them.

This is a new mortification for those war-whoop politicians; for the case is, that finding themselves losing ground and withering away in the Atlantic States, they laid hold of the affair of New Orleans in the vain hope of rooting and reinforcing themselves in the Western States; and they did this without perceiving that it was one of those ill-judged hypocritical expedients in politics, that whether it succeeded or failed the event would be the same.

Had their motion [that of Ross and Morris] succeeded, it would have endangered the com-

merce of the Atlantic States and ruined their reputation there; and on the other hand the attempt to make a tool of the Western people was so badly concealed as to extinguish all credit with them.

But hypocrisy is a vice of sanguine constitution. It flatters and promises itself everything; and it has yet to learn, with respect to moral and political reputation, it is less dangerous to offend than to deceive.

To the measures of Administration, supported by the firmness and integrity of the majority in Congress, the United States owe, as far as human means are concerned, the preservation of peace, and of national honor. The confidence which the Western people reposed in the Government and their representatives is rewarded with success. They are reinstated in their rights with the least possible loss of time; and their harmony with the people of New Orleans, so necessary to the prosperity of the United States, which would have been broken, and the seeds of discord sown in its place, had hostilities been preferred to accommodation, remains unimpaired. Have the Federal ministers of the Church meditated on these matters? and laying aside, as they ought to do, their electioneering and vindictive prayers and ser-

mons, returned thanks that peace is preserved, and commerce, without the stain of blood?

In the pleasing contemplation of this state of things the mind, by comparison, carries itself back to those days of uproar and extravagance that marked the career of the former Administration, and decides, by the unstudied impulse of its own feelings, that something must then have been wrong. Why was it, that America, formed for happiness, and remote by situation and circumstances from the troubles and tumults of the European world, became plunged into its vortex and contaminated with its crimes?

The answer is easy. Those who were then at the head of affairs were apostates from the principles of the Revolution. Raised to an elevation they had not a right to expect, nor judgment to conduct, they became like feathers in the air, and blown about by every puff of passion or conceit.

Candor would find some apology for their conduct if want of judgment was their only defect. But error and crime, though often alike in their features, are distant in their characters and in their origin. The one has its source in the weakness of the head, the other in the hardness of the heart, and the coalition of the two, describes the former Administration.

Had no injurious consequences arisen from the conduct of that Administration, it might have passed for error or imbecility, and been permitted to die and be forgotten. The grave is kind to innocent offense. But even innocence, when it is a cause of injury, ought to undergo an inquiry.

The country, during the time of the former Administration, was kept in continual agitation and alarm; and that no investigation might be made into its conduct, it intrenched itself within a magic circle of terror, and called it a SEDITION LAW. Violent and mysterious in its measures and arrogant in its manners, it affected to disdain information, and insulted the principles that raised it from obscurity.

John Adams and Timothy Pickering were men whom nothing but the accidents of the times rendered visible on the political horizon. Elevation turned their heads, and public indignation hath cast them to the ground. But an inquiry into the conduct and measures of that Administration is nevertheless necessary.

The country was put to great expense. Loans, taxes, and standing armies became the standing order of the day. The militia, said Secretary Pickering, are not to be depended up-

on, and fifty thousand men must be raised. For what? No cause to justify such measures has yet appeared. No discovery of such a cause has yet been made. The pretended Sedition Law shut up the sources of investigation, and the precipitate flight of John Adams closed the scene. But the matter ought not to sleep here.

It is not to gratify resentment, or encourage it in others, that I enter upon this subject. It is not in the power of man to accuse me of a persecuting spirit. But some explanation ought to be had. The motives and objects respecting the extraordinary and expensive measures of the former Administration ought to be known. The Sedition Law, that shield of the moment, prevented it then, and justice demands it now.

If the public have been imposed upon, it is proper they should know it; for where judgment is to act, or a choice is to be made, knowledge is first necessary. The conciliation of parties, if it does not grow out of explanation, partakes of the character of collusion or indifference.

There has been guilt somewhere; and it is better to fix it where it belongs, and separate the deceiver from the deceived, than that suspicion, the bane of society, should range at large, and sour the public mind. The military measures

that were proposed and carried on during the former Administration, could not have for their object the defense of the country against invasion. This is a case that decides itself; for it is self-evident, that while the war raged in Europe, neither France nor England could spare a man to send to America.

The object, therefore, must be something at home, and that something was the overthrow of the representative system of government, for it could be nothing else. But the plotters got into confusion and became enemies to each other. Adams hated and was jealous of Hamilton, and Hamilton hated and despised both Adams and Washington. Surly Timothy stood aloof, as he did at the affair of Lexington, and the part that fell to the public was to pay the expense.

But ought a people who, but a few years ago, were fighting the battles of the world, for liberty had no home but here, ought such a people to stand quietly by and see that liberty undermined by apostasy and overthrown by intrigue? Let the tombs of the slain recall their recollection, and the forethought of what their children are to be revive and fix in their hearts the love of liberty.

If the former Administration can justify its conduct, give it the opportunity. The manner in

which John Adams disappeared from the Government renders an inquiry the more necessary. He gave some account of himself, lame and confused as it was, to certain *Eastern wise men* who came to pay homage to him on his birthday. But if he thought it necessary to do this, ought he not to have rendered an account to the public? They had a right to expect it of him.

In that *tête-à-tête* account, he says, "Some measures were the effect of imperious necessity, much against my inclination." What measures does Mr. Adams mean, and what is the imperious necessity to which he alludes? "Others (says he) were measures of the Legislature, which, although approved when passed, were never previously proposed or recommended by me." What measures, it may be asked, were those, for the public have a right to know the conduct of their representatives? "Some (says he) left to my discretion were never executed, because no necessity for them, in my judgment, ever occurred."

What does this dark apology, mixed with accusation, amount to, but to increase and confirm the suspicion that something was wrong? Administration only was possessed of foreign official information, and it was only upon that information communicated by him publicly or privately,

or to Congress, that Congress could act; and it is not in the power of Mr. Adams to show, from the condition of the belligerent powers, that any imperious necessity called for the warlike and expensive measures of his Administration.

What the correspondence between the Administration and Rufus King in London, or Quincy Adams in Holland, or Berlin, might be, is but little known. The public papers have told us that the former became cup-bearer from the London underwriters to Captain Truxtun, for which, as minister from a neutral nation, he ought to have been censured. It is, however, a feature that marks the politics of the minister, and hints at the character of the correspondence.

I know that it is the opinion of several members of both Houses of Congress, that an inquiry, with respect to the conduct of the late Administration, ought to be gone into. The convulsed state into which the country has been thrown will be best settled by a full and fair exposition of the conduct of that Administration, and the causes and object of that conduct. To be deceived, or to remain deceived, can be the interest of no man who seeks the public good; and it is the deceiver only, or one interested in the deception. that can wish to preclude inquiry.

The suspicion against the late Administration is, that it was plotting to overturn the representative system of government, and that it spread alarms of invasions that had no foundation, as a pretense for raising and establishing a military force as the means of accomplishing that object.

The law, called the Sedition Law, enacted, that if any person should write or publish, or cause to be written or published, any libel [without defining what a libel is] against the Government of the United States, or either House of Congress, or against the President, he should be punished by a fine not exceeding two thousand dollars, and by imprisonment not exceeding two years.

But it is a much greater crime for a President to plot against a constitution and the liberties of the people, than for an individual to plot against a President; and consequently, John Adams is accountable to the public for his conduct, as the individuals under his Administration were to the Sedition Law.

The object, however, of an inquiry, in this case, is not to punish, but to satisfy; and to show, by example, to future Administrations, that an

abuse of power and trust, however disguised by appearances, or rendered plausible by pretense, is one time or other to be accounted for.

THOMAS PAINE.

Bordentown, on the Delaware,
New Jersey, March 12, 1803.

LETTER VII

THE malignant mind, like the jaundiced eye, sees everything through a false medium of its own creating. The light of heaven appears stained with yellow to the distempered sight of the one, and the fairest actions have the form of crimes in the venomed imagination of the other.

For seven months, both before and after my return to America in October last, the apostate papers styling themselves "Federal" were filled with paragraphs and essays respecting a letter from Mr. Jefferson to me at Paris; and though none of them knew the contents of the letter, nor the occasion of writing it, malignity taught them to suppose it, and the lying tongue of injustice lent them its aid.

That the public may no longer be imposed upon by Federal apostasy, I will now publish the letter, and the occasion of its being written.

The treaty negotiated in England by John Jay, and ratified by the Washington Administration, had so disgracefully surrendered the right and freedom of the American flag, that all the commerce of the United States on the ocean became exposed to capture, and suffered in con-

sequence of it. The duration of the treaty, was limited to two years after the war; and consequently America could not, during that period, relieve herself from the chains which the treaty had fixed upon her. This being the case, the only relief that could come must arise out of something originating in Europe, that would, in its consequences, extend to America. It had long been my opinion that commerce contained within itself the means of its own protection; but as the time for bringing forward any new system is not always happening, it is necessary to watch its approach, and lay hold of it before it passes away.

As soon as the late Emperor Paul of Russia abandoned his coalition with England and became a neutral power, this crisis of time, and also of circumstances, was then arriving; and I employed it in arranging a plan for the protection of the commerce of neutral nations during war, that might, in its operation and consequences, relieve the commerce of America. The plan, with the pieces accompanying it, consisted of about forty pages. The Citizen Bonneville, with whom I lived in Paris, translated it into French; Mr. Skipwith, the American Consul, Joel Barlow, and myself, had the translation printed and dis-

tributed as a present to the foreign ministers of all the neutral nations then resident in Paris. This was in the summer of 1800.

It was entitled "Maritime Compact" (in French *Pacte Maritime*). The plan, exclusive of the pieces that accompanied it, consisted of the following preamble and articles.

Maritime Compact

Being an Unarmed Association *of Nations for the protection of the Rights and Commerce of Nations that shall be neutral in time of War.*

Whereas, the vexations and injuries to which the rights and commerce of neutral nations have been, and continue to be, exposed during the time of maritime war, render it necessary to establish a law of nations for the purpose of putting an end to such vexations and injuries, and to guarantee to the neutral nations the exercise of their just rights,

We, therefore, the undersigned Powers, form ourselves into an association, and establish the following as a law of nations on the seas.

ARTICLE THE FIRST

Definition of the Rights of Neutral Nations

The rights of nations, such as are exercised by them in their intercourse with each other in time of peace, are, and of right ought to be, the rights of neutral nations at all times; because,

First, those rights not having been abandoned by them, remain with them.

Secondly, because those rights cannot become forfeited or void, in consequence of war breaking out between two or more other nations.

A war of nation against nation being exclusively the act of the nations that make the war, and not the act of the neutral nations, cannot, whether considered in itself or in its consequences, destroy or diminish the rights of the nations remaining in peace.

ARTICLE THE SECOND

The ships and vessels of nations that rest neuter and at peace with the world during a war with other nations, have a right to navigate freely on the seas as they navigated before that war broke out, and to proceed to and enter the port or ports of any of the belligerent powers, *with the consent of that Power,* without being seized, searched, visited, or any ways interrupted, by the

nation or nations with which that nation is at war.

ARTICLE THE THIRD

For the conservation of the aforesaid rights, we, the undersigned Powers, engaging to each other our sacred faith and honor, DECLARE

That if any belligerent Power shall seize, search, visit, or any ways interrupt any ship or vessel belonging to the citizens or subjects of any of the Powers composing this Association, then each and all of the said undersigned Powers will cease to import, and will not permit to be imported into the ports or dominions of any of the said undersigned Powers, in any ship or vessel whatever, any goods, wares, or merchandise, produced or manufactured in, or exported from, the dominions of the Power so offending against the Association hereby, established and proclaimed.

ARTICLE THE FOURTH

That all the ports appertaining to any and all of the Powers composing this Association shall be shut against the flag of the offending nation.

ARTICLE THE FIFTH

That no remittance or payment in money, merchandise, or bills of exchange, shall be made

by any of the citizens, or subjects, of any of the Powers composing this Association, to the citizens or subjects of the offending nation, for the term of one year, or until reparation be made. The reparation to be —— times the amount of the damages sustained.

ARTICLE THE SIXTH

If any ship or vessel appertaining to any of the citizens or subjects of any of the Powers composing this Association shall be seized, searched, visited, or interrupted, by any belligerent nation, or be forcibly prevented entering the port of her destination, or be seized, searched, visited, or interrupted, in coming out of such port, or be forcibly prevented from proceeding to any new destination, or be insulted or visited by any agent from on board any vessel of any belligerent power, the government or executive power of the nation to which the ship or vessel so seized, searched, visited, or interrupted belongs, shall, on evidence of the fact, make public proclamation of the same, and send a copy thereof to the government, or executive, of each of the Powers composing this Association, who shall publish the same in all the extent of his dominions, together with a declaration, that at the expiration of —— days after

publication, the penal articles of this Association shall be put in execution against the offending nation.

ARTICLE THE SEVENTH

If reparation be not made within the space of one year, the said proclamation shall be renewed for one year more, and so on.

ARTICLE THE EIGHTH

The Association chooses for itself a flag to be carried at the mast-head conjointly with the national flag of each nation composing this Association.

The flag of the Association shall be composed of the same colors as compose the rain-bow, and arranged in the same order as they appear in that phenomenon.

ARTICLE THE NINTH

And whereas, it may happen that one or more of the nations composing this Association may be, at the time of forming it, engaged in war or become so in future, in that case, the ships and vessels of such nation shall carry the flag of the Association bound round the mast, to denote that the nation to which she belongs is a member of the Association and a respecter of its laws.

N.B. This distinction in the manner of carrying the flag is merely for the purpose, that neutral vessels having the flag at the mast-head, may be known at first sight.

ARTICLE THE TENTH

And whereas, it is contrary to the moral principles of neutrality and peace, that any neutral nation should furnish to the belligerent Powers, or any of them, the means of carrying on war against each other, We, therefore, the Powers composing this Association, declare, that we will each one for itself, prohibit in our dominions the exportation or transportation of military stores, comprehending gun-powder, cannon, and cannon-balls, firearms of all kinds, and all kinds of iron and steel weapons used in war. Excluding therefrom all kinds of utensils and instruments used in civil or domestic life, and every other article that cannot, in its immediate state, be employed in war.

Having thus declared the moral motives of the foregoing article, we declare also the civil and political intention thereof, to wit,

That as belligerent nations have no right to visit or search any ship or vessel belonging to a nation at peace, and under the protection of the

laws and government thereof, and as all such visit or search is an insult to the nation to which such ship or vessel belongs and to the government of the same, We, therefore, the Powers composing this Association, will take the right of prohibition on ourselves to whom it properly belongs, and by whom only it can be legally exercised, and not permit foreign nations, in a state of war, to usurp the right of legislating by proclamation for any of the citizens or subjects of the Powers composing this Association.

It is, therefore, in order to take away all pretense of search or visit, which by being offensive might become a new cause of war, that we will provide laws and publish them by proclamation, each in his own dominion, to prohibit the supplying or carrying to, the belligerent Powers, or either of them, the military stores or articles before mentioned, annexing thereto a penalty to be levied or inflicted upon any persons within our several dominions transgressing the same.

And we invite all persons, as well of the belligerent nations as of our own, or of any other, to give information of any knowledge they may have of any transgressions against the said law, that the offenders may be prosecuted.

By this conduct we restore the word contra-

band (*contra* and *ban*) to its true and original signification, which means against law, edict, or proclamation; and none but the government of a nation can have, or can exercise, the right of making laws, edicts, or proclamations, for the conduct of its citizens or subjects.

Now We, the undersigned Powers, declare the aforesaid articles to be a law of nations at all times, or until a congress of nations shall meet to form some law more effectual.

And we do recommend that immediately on the breaking out of war between any two or more nations, that deputies be appointed by all neutral nations, whether members of this Association or not, to meet in congress in some central place to take cognizance of any violations of the rights of neutral nations. Signed, etc.

For the purpose of giving operation to the aforesaid plan of an *unarmed association,* the following paragraph was subjoined:

It may be judged proper for the order of business, that the Association of Nations have a president for a term of years, and the presidency to pass by rotation to each of the parties composing the Association.

In that case, and for the sake of regularity,

the first president to be the executive power of the most northerly nation composing the Association, and his deputy or minister at the congress to be president of the congress—and the next most northerly to be vice-president, who shall succeed to the presidency, and so on. The line determining the geographical situation of each, to be the latitude of the capital of each nation.

If this method be adopted it will be proper that the first president be nominally constituted in order to give rotation to the rest. In that case the following article might be added to the foregoing, viz. The constitution of the Association nominates the EMPEROR PAUL to be *first President* of the Association of Nations for the protection of neutral commerce, and securing the freedom of the seas.

The foregoing plan, as I have before mentioned, was presented to the ministers of all the neutral nations then in Paris, in the summer of 1800. Six copies were given to the Russian General Springporten; and a Russian gentleman who was going to Petersburg took two expressly for the purpose of putting them into the hands of Paul. I sent the original manuscript, in my own handwriting, to Mr. Jefferson, and also wrote him four letters, dated the first, fourth, sixth, six-

teenth of October, 1800, giving him an account of what was then going on in Europe respecting neutral commerce.

The case was, that in order to compel the English Government to acknowledge the rights of neutral commerce, and that free ships make free goods, the *Emperor Paul,* in the month of September following the publication of the plan, shut all the ports of Russia against England. Sweden and Denmark did the same by their ports, and Denmark shut up Hamburg. Prussia shut up the Elbe and the Weser.

The ports of Spain, Portugal, and Naples were shut up, and, in general, all the ports of Italy, except Venice, which the Emperor of Germany held; and had it not been for the untimely death of *Paul, a Law of Nations,* founded on the authority of nations, for establishing the rights of neutral commerce and the freedom of the seas, would have been proclaimed and the Government of England must have consented to that law, or the nation must have lost its commerce; and the consequence to America would have been, that such a law would, in a great measure if not entirely, have released her from the injuries of Jay's Treaty.

Of all these matters I informed Mr. Jefferson.

This was before he was President, and the letter he wrote me after he was President was in answer to those I had written to him and the manuscript copy of the plan I had sent here. Here follows the letter:

Dear Sir: Washington, March 18, 1801.

Your letters of October first, fourth, sixth, sixteenth, came duly to hand, and the papers which they covered were, according to your permission, published in the newspapers, and in a pamphlet, and under your own name. These papers contain precisely our principles, and I hope they will be generally recognized here. *Determined as we are to avoid, if possible, wasting the energies of our people in war and destruction, we shall avoid implicating ourselves with the Powers of Europe, even in support of principles which we mean to pursue. They have so many other interests different from ours that we must avoid being entangled in them. We believe we can enforce those principles as to ourselves by peaceable means, now that we are likely to have our public councils detached from foreign views. The return of our citizens from the frenzy into which they had been wrought, partly by ill conduct in France, partly by artifices practised upon them, is almost extinct, and will, I believe, become quite so.* But these details, too minute and long for a letter, will be better developed by Mr. Dawson, the bearer of this, a member of the late Congress, to whom I refer you for them. He goes in the *Maryland*, sloop of war, which will wait a few days at Havre to receive his

letters to be written on his arrival at Paris. You expressed a wish to get a passage to this country in a public vessel. Mr. Dawson is charged with orders to the captain of the *Maryland* to receive and accommodate you back if you can be ready to depart at such a short warning. Rob't R. Livingston is appointed Minister Plenipotentiary to the Republic of France, but will not leave this, till we receive the ratification of the Convention by Mr. Dawson. I am in hopes you will find us returned generally to sentiments worthy of former times. In these it will be your glory to have steadily labored and with as much effect as any man living. That you may long live to continue your useful labors and to reap the reward in the thankfulness of nations is my sincere prayer. Accept assurances of my high esteem and affectionate attachment.

THOMAS JEFFERSON.

This, citizens of the United States, is the letter about which the leaders and tools of the Federal faction, without knowing its contents or the occasion of writing it, have wasted so many malignant falsehoods.

It is a letter which on account of its wise economy and peaceable principles, and its forbearance to reproach, will be read by every good man and every good citizen with pleasure; and the faction, mortified at its appearance, will have to regret they forced it into publication. The least atonement they can now offer is to make the letter as

public as they have made their own infamy, and learn to lie no more.

The same injustice they showed to Mr. Jefferson they showed to me. I had employed myself in Europe, and at my own expense, in forming and promoting a plan that would, in its operation, have benefited the commerce of America; and the faction here invented and circulated an account in the papers they employ, that I had given a plan to the French for burning all the towns on the coast from Savannah to Baltimore.

Were I to prosecute them for this (and I do not promise that I will not, for the liberty of the press is not the liberty of lying) there is not a Federal judge, not even one of midnight appointment, but must, from the nature of the case, be obliged to condemn them. The faction, however, cannot complain they have been restrained in anything. They have had their full swing of lying uncontradicted; they have availed themselves, unopposed, of all the arts hypocrisy could devise; and the event has been, what in all such cases it ever will and ought to be, *the ruin of themselves.*

The characters of the late and of the present Administrations are now sufficiently marked, and the adherents of each keep up the distinction.

The former Administration rendered itself notorious by outrage, coxcombical parade, false alarms, a continual increase of taxes, and an unceasing clamor for war; and as every vice has a virtue opposed to it, the present Administration moves on the direct contrary line.

The question, therefore, at elections is not properly a question upon persons, but upon principles. Those who are for peace, moderate taxes, and mild government, will vote for the Administration that conducts itself by those principles, in whatever hands that Administration may be.

There are in the United States, and particularly in the Middle States, several religious sects, whose leading moral principle is PEACE. It is, therefore, impossible that such persons, consistently with the dictates of that principle, can vote for an Administration that is clamorous for war. When moral principles, rather than persons, are candidates for power, to vote is to perform a moral duty, and not to vote is to neglect a duty.

That persons who are hunting after places, offices, and contracts, should be advocates for war, taxes, and extravagance, is not to be wondered at; but that so large a portion of the people who had nothing to depend upon but their industry, and no other public prospect but that of paying

taxes, and bearing the burden, should be advocates for the same measures, is a thoughtlessness not easily accounted for. But reason is recovering her empire, and the fog of delusion is clearing away.

THOMAS PAINE.

Bordentown, on the Delaware,
New Jersey, April 21, 1803.

TO THE FRENCH INHABITANTS OF LOUISIANA

A PUBLICATION having the appearance of a memorial and remonstrance, to be presented to Congress at the ensuing session, has appeared in several papers. It is therefore open to examination, and I offer you my remarks upon it. The title and introductory paragraph are as follows:

"*To the Congress of the United States, in the Senate and House of Representatives convened:* We the subscribers, planters, merchants, and other inhabitants of Louisiana, respectfully approach the Legislature of the United States with a memorial of *our rights,* a remonstrance against certain laws which contravene them, and a petition for that redress to which the laws of nature, sanctioned by positive stipulations, have entitled us."

It often happens that when one party, or one that thinks itself a party, talks much about its rights, it puts those of the other party upon examining into their own, and such is the effect produced by your memorial.

A single reading of that memorial will show

it is the work of some person who is not of your people. His acquaintance with the cause, commencement, progress, and termination of the American Revolution, decides this point; and his making *our* merits in that Revolution the ground of *your* claims, as if *our* merits could become *yours,* show he does not understand *your* situation.

We obtained our rights by calmly understanding principles, and by the successful event of a long, obstinate, and expensive war. But it is not incumbent on us to fight the battles of the world for the world's profit.

You are already participating, without any merit or expense in obtaining it, the blessings of freedom acquired by ourselves; and in proportion as you become initiated into the principles and practise of the representative system of government, of which you have yet had no experience, you will participate more, and finally be partakers of the whole.

You see what mischief ensued in France by the possession of power before they understood principles. They earned liberty in words, but not in fact. The writer of this was in France through the whole of the Revolution, and knows the truth of what he speaks; for after endeavor-

ing to give it principle, he had nearly fallen a victim to its rage.

There is a great want of judgment in the person who drew up your memorial. He has mistaken *your* case, and forgotten his *own;* and by trying to court your applause has injured your pretensions. He has written like a lawyer, straining every point that would please his client, without studying his advantage.

I find no fault with the composition of the memorial, for it is well written; nor with the principles of liberty it contains, considered in the abstract. The error lies in the misapplication of them, and in assuming a ground they have not a right to stand upon.

Instead of their serving you as a ground of reclamation against us, they change into a satire on yourselves. Why did you not speak thus when you ought to have spoken it? We fought for liberty when you stood quiet in slavery.

The author of the memorial, injudiciously confounding two distinct cases together, has spoken as if he was the memorialist of a body of Americans, who, after sharing equally with us in all the dangers and hardships of the Revolutionary War, had retired to a distance and made a settlement for themselves. If, in such a situa-

tion, Congress had established a temporary government over them, in which they were not personally consulted, they would have had a right to speak as the memorial speaks. But your situation is different from what the situation of such persons would be, and therefore *their* ground of reclamation cannot *of right* become yours.

You are arriving at freedom by the easiest means that any people ever enjoyed it; without contest, without expense, and even without any contrivance of your own. And you already so far mistake principles, that under the name of *rights* you ask for *powers; power* to *import and enslave Africans;* and *to govern* a territory that *we* have *purchased.*

To give color to your memorial, you refer to the treaty of cession (in which *you were not* one of the contracting parties), concluded at Paris between the Governments of the United States and France.

"The third article" you say "of the treaty lately concluded at Paris declares, that the inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted *as soon as possible, according* to the *principles* of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citi-

zens of the United States; and *in the meantime,* they shall be protected in the enjoyment of their liberty, property, and the exercise of the religion they profess."

As from your former condition, you cannot be much acquainted with diplomatic policy, and I am convinced that even the gentleman who drew up the memorial is not, I will explain to you the grounds of this article. It may prevent your running into further errors.

The territory of Louisiana had been so often ceded to different European powers, that it became a necessary article on the part of France, and for the security of Spain, the ally of France, and which accorded perfectly with our own principles and intentions, that it should be *ceded no more;* and this article, stipulating for the incorporation of Louisiana into the Union of the United States, stands as a bar against all future cession, and at the same time, as well as *"in the meantime,"* secures to you a civil and political permanency, personal security and liberty which you never enjoyed before.

France and Spain might suspect (and the suspicion would not have been ill-founded had the cession been treated for in the Administration of John Adams, or when Washington was

President, and Alexander Hamilton President over him), that we *bought* Louisiana for the British Government, or with a view of selling it to her; and though such suspicion had no just ground to stand upon with respect to our present President, Thomas Jefferson, who is not only not a man of intrigue but who possesses that honest pride of principle that cannot be intrigued with, and which keeps intriguers at a distance, the article was nevertheless necessary as a precaution against future contingencies.

But you, from not knowing the political ground of the article, apply to yourselves *personally* and *exclusively,* what had reference to the *territory,* to prevent its falling into the hands of any foreign power that might endanger the [establishment of] *Spanish* dominion in America, or those of the *French* in the West India islands.

You claim (you say) to be incorporated into the Union of the United States, and your remonstrances on this subject are unjust and without cause.

You are already *incorporated* into it as fully and effectually as the Americans themselves are, who are settled in Louisiana. You enjoy the same rights, privileges, advantages, and immunities, which they enjoy; and when Louisiana, or

some part of it, shall be erected into a constitutional state, you also will be citizens equal with them.

You speak in your memorial, as if *you* were the *only* people who were to live in Louisiana, and as if the territory was purchased that *you* exclusively might govern it. In both these cases you are greatly mistaken. The emigrations from the United States into the purchased territory, and the population arising therefrom, will, in a few years, exceed you in numbers. It is but twenty-six years since Kentucky began to be settled, and it already contains more than *double* your population.

In a candid view of the case, you ask for what would be injurious to yourselves to receive, and unjust in us to grant. *Injurious,* because the settlement of Louisiana will go on much faster under the government and guardianship of Congress, than if the government of it were committed to *your* hands; and consequently, the landed property you possessed as individuals when the treaty was concluded, or have purchased since, will increase so much faster in value.

Unjust to ourselves, because as the reimbursements of the purchase money must come out of the sale of the lands to new settlers, the govern-

ment of it cannot suddenly go out of the hands of Congress. They are guardians of that property for *all the people of the United States.*

And besides this, as the new settlers will be chiefly from the United States, it would be unjust and ill policy to put them and their property under the jurisdiction of a people whose freedom they had contributed to purchase.

You ought also to recollect, that the French Revolution has not exhibited to the world that grand display of principles and rights, that would induce settlers from other countries to put themselves under a French jurisdiction in Louisiana. Beware of intriguers who may push you on from private motives of their own.

You complain of two cases, one of which you have *no right,* no concern with; and the other is founded in direct injustice.

You complain that Congress has passed a law to divide the country into two territories. It is not improper to inform you, that after the Revolutionary War ended, Congress divided the territory acquired by that war into ten territories; each of which was to be erected into a constitutional state, when it arrived at a certain population mentioned in the Act; and, in the meantime, an officer appointed by the President, as the Gov-

ernor of Louisiana now is, presided, as Governor of the Western Territory, over all such parts as have not arrived at the maturity of *statehood.*

Louisiana will require to be divided into twelve states or more; but this is a matter that belongs to the *purchaser* of the territory of Louisiana, and with which the inhabitants of the town of New Orleans have no right to interfere; and beside this, it is probable that the inhabitants of the other territory would choose to be independent of New Orleans. They might apprehend, that on some speculating pretense, their produce might be put in requisition, and a maximum price put on it—a thing not uncommon in a French Government.

As a general rule, without refining upon sentiment, one may put confidence in the justice of those who have no inducement to do us injustice; and this is the case Congress stands in with respect to both territories, and to all other divisions that may be laid out, and to all inhabitants and settlers, of whatever nation they may be.

There can be no such thing as what the memorial speaks of, that is, *of a governor appointed by the President who may have no interest in the welfare of Louisiana.* He must, from the nature of the case, have more interest in it than

any other person can have. He is intrusted with the care of an extensive tract of country, now the property of the United States by purchase.

The value of those lands will depend on the increasing prosperity of Louisiana, its agriculture, commerce, and population.

You have only a local and partial interest in the town of New Orleans, or its vicinity; and if, in consequence of exploring the country, new seats of commerce should offer, his general interest would lead him to open them, and your partial interest to shut them up.

There is probably some justice in your remark, as it applies to the governments under which you *formerly* lived. Such governments always look with jealousy, and an apprehension of revolt, on colonies increasing in prosperity and population and they send governors to *keep them down.*

But when you argue from the conduct of governments *distant* and *despotic,* to that of *domestic* and *free* government, it shows you do not understand the principles and interest of a republic, and to put you right is friendship. We have had experience, and you have not.

The other case to which I alluded, as being founded in direct injustice, is that in which you

petition for *power*, under the name of *rights*, to import and enslave Africans!

Dare you put up a petition to heaven for such a power, without fearing to be struck from the earth by its justice?

Why, then, do you ask it of man against man?

Do you want to renew in Louisiana the horrors of Domingo?

COMMON SENSE.

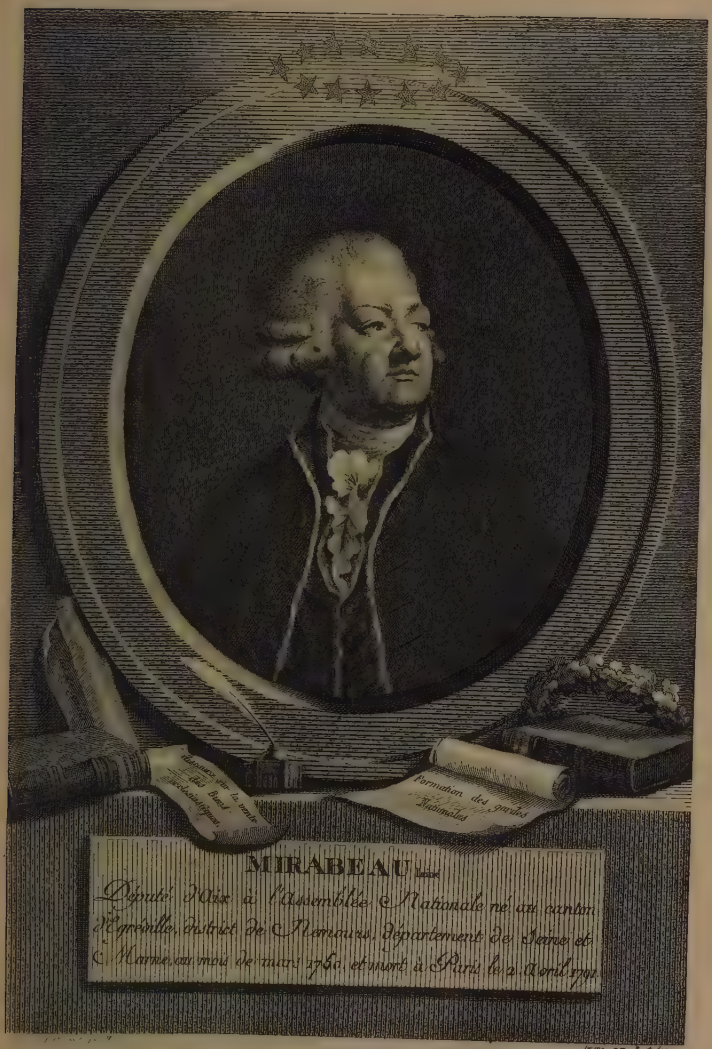
September 22, 1804.

GABRIEL HONORÉ RIQUETTE, COUNT
MIRABEAU

Photogravure from an Engraving by P. Audouin after
a Painting by an unknown artist

GABRIEL HONORÉ RIQUETTE, COUNT MIRABEAU

Photogravure from an Engraving by P. Audouin after a Painting by an unknown artist


Formation des gardes Nationales
MIRABEAU Jeune
Député d'Aix à l'Assemblée Nationale né au canton d'Egréville, district de Nemours, département de Seine et Marne, au mois de mars 1750, et mort à Paris le 2 Avril 1791.

CASE OF THE OFFICERS OF EXCISE

With Remarks on the Qualifications of Officers, and on the Numerous Evils Arising to the Revenue, from the Insufficiency of the Present Salary: Humbly Addressed to the Members of Both Houses of Parliament

THE INTRODUCTION

AS a design among the excise officers throughout the kingdom is on foot, for a humble application to Parliament next session, to have the state of their salaries taken into consideration; it has been judged not only expedient, but highly necessary, to present a state of their case, previous to the presentation of their petition.

There are some cases so singularly reasonable, that the more they are considered, the more weight they obtain. It is a strong evidence both of simplicity and honest confidence, when petitioners in any case ground their hopes of relief on having their case fully and perfectly known and understood.

Simple as this subject may appear at first, it

is a matter, in my humble opinion, not unworthy a Parliamentary attention. 'Tis a subject interwoven with a variety of reasons from different causes. New matter will arise on every thought. *If the poverty of the officers of excise, if the temptations arising from their poverty, if the qualifications of persons to be admitted into employment, if the security of the revenue itself,* are matters of any weight, then I am conscious that my voluntary services in this business, will produce some good effect or other, either to the better security of the revenue, the relief of the officers, or both.

THE STATE OF THE SALARY OF THE OFFICERS OF EXCISE

When a year's salary is mentioned in the gross, it acquires a degree of consequence from its *sound,* which it would not have if separated into daily payments, and if the charges attending the receiving and other unavoidable expenses were considered with it. Fifty pounds a year, and one shilling and ninepence farthing a day, carry as different degrees of significancy with them, as My Lord's steward, and the steward's laborer; and yet an outride officer in the excise, under the name of fifty pounds a year, receives

for himself no more than one shilling and ninepence farthing a day.

After tax, charity, and sitting expenses are deducted, there remains very little more than forty-six pounds; and the expenses of horse-keeping in many places cannot be brought under fourteen pounds a year, besides the purchase at first, and the hazard of life, which reduces it to thirty-two pounds *per annum,* or one shilling and ninepence farthing per day.

I have spoken more particularly of the out-rides, as they are by far the most numerous, being in proportion to the foot-walks as eight is to five throughout the kingdom. Yet in the latter the same misfortunes exist; the channel of them only is altered. The excessive dearness of house-rent, the great burden of rates and taxes, and the excessive price of all necessaries of life, in cities and large trading towns, nearly counter-balance the expenses of horse-keeping. Every office has its stages of promotions, but the pecuniary advantages arising from a foot-walk are so inconsiderable, and the loss of disposing of effects, or the charges of removing them to any considerable distance so great, that many out-ride officers with a family remain as they are, from an inability to bear the loss, or support the expense.

The officers resident in the cities of *London* and *Westminster,* are exempt from the particular disadvantages of removals. This seems to be the only circumstance which they enjoy superior to their country brethren. In every other respect they lay under the same hardships, and suffer the same distresses.

There are no perquisites or advantages in the least, annexed to the employment. A few officers who are stationed along the coast, may sometimes have the good fortune to fall in with a seizure of contraband goods, and yet, that frequently at the hazard of their lives: but the inland officers can have no such opportunities. Besides, the surveying duty in the excise is so continual, that without remissness from the real business itself, there is no time to seek after them. With the officers of the customs it is quite otherwise; their whole time and care is appropriated to that service, and their profits are in proportion to their vigilance.

If the increase of money in the kingdom is one cause of the high price of provisions, the case of the excise officers is peculiarly pitiable. No increase comes to them—they are shut out from the general blessing—they behold it like a map of *Peru.* The answer of Abraham to Dives is

somewhat applicable to them, *"There is a great gulf fixed."*

To the wealthy and humane, it is a matter worthy of concern that their affluence should become the misfortune of others. Were the money in the kingdom to be increased double, the salary would in value be reduced one-half. Every step upward is a step downward with them. Not to be partakers of the increase would be a little hard, but to be sufferers by it exceedingly so. The mechanic and the laborer may in a great measure ward off the distress, by raising the price of their manufactures or their work, but the situation of the officers admits of no such relief.

Another consideration in their behalf (and which is peculiar to the excise) is, that as the law of their office removes them far from all their natural friends and relations, it consequently prevents those occasional assistances from them, which are serviceably felt in a family, and which even the poorest among the poor enjoys. Most poor mechanics, or even common laborers, have some relations or friends, who, either out of benevolence or pride, keep their children from nakedness, supply them occasionally with perhaps half a hog, a load of wood, a chaldron of coals, or something or other which abates the severity of

their distress; and yet those men thus relieved will frequently earn more than the daily pay of an excise officer.

Perhaps an officer will appear more reputable with the same pay, than a mechanic or laborer. The difference arises from sentiment, not circumstances. A something like reputable pride makes all the distinction, and the thinking part of mankind well knows that none suffer so much as they who endeavor to conceal their necessities.

The frequent removals which unavoidably happen in the excise are attended with such an expense, especially where there is a family, as few officers are able to support. About two years ago, an officer with a family, under orders for removing, and in rather embarrassed circumstances, made his application to me, and from a conviction of his distress I advanced a small sum to enable him to proceed. He ingenuously declared, that without the assistance of some friend, he should be driven to do injustice to his creditors, and compelled to desert the duty of his office. He has since honestly paid me, and does as well as the narrowness of such circumstances can admit of.

There is one general allowed truth which will always operate in their favor, which is, that no set

of men under His Majesty earn their salary with any comparison of labor and fatigue with that of the officers of excise. The station may rather be called a seat of constant work, than either a place or an employment. Even in the different departments of the general revenue, they are unequaled in the burden of business; a riding officer's place in the customs, whose salary is sixty pounds a year, is *ease* to theirs; and the work in the window-light duty, compared with the excise, is lightness itself; yet their salary is subject to no tax, they receive forty-nine pounds twelve shillings and sixpence, without deduction.

The inconveniences which affect an excise officer are almost endless; even the land-tax assessment upon their salaries, which though the Government pays, falls often with hardship upon them. The place of their residence, on account of the land tax, has in many instances, created frequent contentions between parishes, in which the officer, though the innocent and unconcerned cause of the quarrel, has been the greater sufferer.

To point out particularly the impossibility of an excise officer supporting himself and family, with any proper degree of credit and reputation, on so scanty a pittance, is altogether unnecessary. The times, the voice of general want, is

proof itself. Where facts are sufficient, arguments are useless; and the hints which I have produced are such as affect the officers of excise *differently* to any other set of men. A single man may barely live; but as it is not the design of the Legislature or the honorable Board of Excise, to impose a state of celibacy on them, the condition of much the greater part is truly wretched and pitiable.

Perhaps it may be said, why do the excise officers complain; they are not pressed into the service, and may relinquish it when they please; if they can mend themselves, why don't they? Alas! what a mockery of pity would it be, to give such an answer to an honest, faithful old officer in the excise, who had spent the prime of his life in the service, and was become unfit for anything else. The time limited for an admission into an excise employment, is between twenty-one and thirty years of age—the very flower of life. Every other hope and consideration is then given up, and the chance of establishing themselves in any other business becomes in a few years not only lost to them, but they become lost to it. "There is a tide in the affairs of men," which if embraced, leads on to fortune—*that neglected,* all beyond is misery or want.

When we consider how few in the excise arrive at any comfortable eminence, and the date of life when such promotions only can happen, the great hazard there is of ill rather than good fortune in the attempt, and that all the years antecedent to that is a state of mere existence, wherein they are shut out from the common chance of success in any other way: a reply like that can be only a derision of their wants. 'Tis almost impossible after any long continuance in the excise, that they *can* live any other way. Such as are of trades, would have their trade to learn over again; and people would have but little opinion of their abilities in any calling, who had been ten, fifteen, or twenty years absent from it. Every year's experience gained in the excise, is a year's experience lost in trade; and by the time they become wise officers, they become foolish workmen.

Were the reasons for augmenting the salary grounded only on the charitableness of so doing, they would have great weight with the compassionate. But there are auxiliaries of such a powerful cast, that in the opinion of policy they obtain the rank of originals. The first is truly the case of the officers, but this is rather the case of the revenue.

The distresses in the excise are so generally known, that numbers of gentlemen, and other inhabitants in places where officers are resident, have generously and humanely recommended their case to the members of the Honorable House of Commons: and numbers of traders of opulence and reputation, well knowing that the poverty of an officer may subject him to the fraudulent designs of some selfish persons under his survey, to the great injury of the fair trader, and trade in general, have, from principles both of generosity and justice, joined in the same recommendation.

THOUGHTS ON THE CORRUPTION OF PRINCIPLES, AND ON THE NUMEROUS EVILS ARISING TO THE REVENUE, FROM THE TOO GREAT POVERTY OF THE OFFICERS OF EXCISE

It has always been the wisdom of government to consider the situation and circumstances of persons in trust. Why are large salaries given in many instances, but to proportion it to the trust, to set men above temptation, and to make it even literally worth their while to be honest? The salaries of the judges have been augmented, and their places made independent even on the Crown itself, for the above wise purposes.

Certainly there can be nothing unreasonable in supposing there is such an instinct as frailty among the officers of excise, in common with the rest of mankind; and that the most effectual method to keep men honest is to enable them to live so. The tenderness of conscience is too often overmatched by the sharpness of want; and principle, like chastity, yields with just reluctance enough to excuse itself.

There is a powerful rhetoric in necessity, which exceeds even a *Dunning* or a *Wedderburne*. No argument can satisfy the feelings of hunger, or abate the edge of appetite. Nothing tends to a greater corruption of manners and principles, than a too great distress of circumstances; and the corruption is of that kind, that it spreads a plaster for itself: like a viper, it carries a cure, though a false one, for its own poison. *Agur*, without any alternative, has made dishonesty the immediate consequence of poverty. "Lest I be poor and steal." A very little degree of that dangerous kind of philosophy, which is the almost certain effect of involuntary poverty, will teach men to believe that to starve is more criminal than to steal, by as much as every species of self-murder exceeds every other crime: that

true honesty is sentimental, and the practise of it dependent upon circumstances.

If the gay find it difficult to resist the allurements of pleasure, the great the temptations of ambition, or the miser the acquisition of wealth, how much stronger are the provocations of want and poverty? The excitements to pleasure, grandeur, or riches, are mere "shadows of a shade," compared to the irresistible necessities of nature. Not to be led into temptation, is the prayer of Divinity itself; and to guard against, or rather to prevent, such insnaring situations, is one of the greatest heights of human prudence: in private life it is partly religious; and in a revenue sense, it is truly political.

The rich, in ease and affluence, may think I have drawn an unnatural portrait; but could they descend to the cold regions of want, the circle of polar poverty, they would find their opinions changing with the climate. There are habits of thinking peculiar to different conditions, and to find them out is truly to study mankind.

That the situation of an excise officer is of this dangerous kind, must be allowed by every one who will consider the trust unavoidably reposed in him, and compare the narrowness of his circumstances with the hardship of the times. If

the salary was judged competent a hundred years ago, it cannot be so now. Should it be advanced, that if the present set of officers are dissatisfied with the salary, that enough may be procured not only for the present salary, but for less; the answer is extremely easy. The question needs only be put; it destroys itself. Were two or three thousand men to offer to execute the office without any salary, would the Government accept them? No. Were the same number to offer the same service for a salary less than can possibly support them, would the Government accept them? Certainly no; for while nature, in spite of law or religion, makes it a ruling principle not to starve, the event would be this, that if they could not live on the salary, they would discretionarily live out of the duty.

Query, whether poverty has not too great an influence now? Were the employment a place of direct labor, and not of trust, then frugality in the salary would be sound policy: but when it is considered that the greatest single branch of the revenue, a duty amounting to near five millions sterling, is annually charged by a set of men, most of whom are wanting even the common necessaries of life, the thought must, to every friend to honesty, to every person concerned in the man-

agement of the public money, be strong and striking. Poor and in power, are powerful temptations; I call it power, because they have it in their power to defraud. The trust unavoidably reposed in an excise officer is so great, that it would be an act of wisdom, and perhaps of interest, to secure him from the temptations of downright poverty. To relieve their wants would be charity, but to secure the revenue by so doing, would be prudence.

Scarce a week passes at the office but some detections are made of fraudulent and collusive proceedings. The poverty of the officers is the fairest bait for a designing trader that can possibly be; such introduce themselves to the officer under the common plea of the insufficiency of the salary. Every considerate mind must allow, that poverty and opportunity corrupt many an honest man. I am not at all surprised that so many opulent and reputable traders have recommended the case of the officers to the good favor of their representatives. They are sensible of the pinching circumstances of the officers, and of the injury to trade in general, from the advantages which are taken of them.

The welfare of the fair trader and the security of the revenue are so inseparably one, that their

interest or injuries are alike. It is the opinion of such whose situation give them a perfect knowledge in the matter, that the revenue suffers more by the corruption of a few officers in a county, than would make a handsome addition to the salary of the whole number in the same place.

I very lately knew an instance where it is evident, on comparison of the duty charged since, that the revenue suffered by one trader (and he not a very considerable one) upward of one hundred and sixty pounds *per annum* for several years; and yet the benefit to the officer was a mere trifle, in consideration of the trader's. Without doubt the officer would have thought himself much happier to have received the same addition another way. The bread of deceit is a bread of bitterness; but alas! how few in times of want and hardship are capable of thinking so: objects appear under new colors, and in shapes not naturally their own; hunger sucks in the deception, and necessity reconciles it to conscience.

The commissioners of excise strongly enjoin that no officer accept any treaty, gratuity, or, in short, lay himself under any kind of obligation to the traders under their survey: the wisdom of such an injunction is evident; but the practise of it, to a person surrounded with children and pov-

erty, is scarcely possible; and such obligations, wherever they exist, must operate, directly or indirectly, to the injury of the revenue. Favors will naturally beget their likenesses, especially where the return is not at our own expense.

I have heard it remarked by a gentleman whose knowledge in excise business is indisputable, that there are numbers of officers who are even afraid to look into an unentered room, lest they should give offense. Poverty and obligation tie up the hands of office, and give a prejudicial bias to the mind.

There is another kind of evil, which, though it may never amount to what may be deemed criminality in law, yet it may amount to what is much worse in effect, and that is, *a constant and perpetual leakage in the revenue:* a sort of gratitude in the dark, a distant requital for such civilities as only the lowest poverty would accept, and which are a thousand *per cent* above the value of the civility received. Yet there is no immediate collusion; the trader and officer are both safe; the design, if discovered, passes for error.

These, with numberless other evils, have all their origin in the poverty of the officers. Poverty, in defiance of principle, begets a degree of

meanness that will stoop to almost anything. A thousand refinements of argument may be brought to prove that the practise of honesty will be still the same, in the most trying and necessitous circumstances. He who never was an hungered may argue finely on the subjection of his appetite; and he who never was distressed, may harangue as beautifully on the power of principle. But poverty, like grief, has an incurable deafness, which never hears; the oration loses all its edge; and *"To be, or not to be,"* becomes the only question.

There is a striking difference between dishonesty arising from want of food, and want of principle. The first is worthy of compassion, the other of punishment. Nature never produced a man who would starve in a well-stored larder, because the provisions were not his own: but he who robs it from luxury of appetite deserves a gibbet.

There is another evil which the poverty of the salary produces, and which nothing but an augmentation of it can remove; and that is negligence and indifference. These may not appear of such dark complexion as fraud and collusion, but their injuries to the revenue are the same. It is impossible that any office or business can be regarded

as it ought, where this ruinous disposition exists. It requires no sort of argument to prove that the value set upon any place or employment will be in proportion to the value of it; and that diligence or negligence will arise from the same cause. The continual number of relinquishments and discharges always happening in the excise, are evident proofs of it.

Persons first coming into the excise form very different notions of it, to what they have afterwards. The gay ideas of promotion soon expire. The continuance of work, the strictness of the duty, and the poverty of the salary, soon beget negligence and indifference: the course continues for a while, the revenue suffers, and the officer is discharged: the vacancy is soon filled up, new ones arise to produce the same mischief, and share the same fate.

What adds still more to the weight of this grievance is, that this destructive disposition reigns most among such as are otherwise the most proper and qualified for the employment; such as are neither fit for the excise, or anything else, are glad to hold it by any means; but the revenue lies at as much hazard from their want of judgment, as from the others' want of diligence.

In private life, no man would trust the execu-

tion of any important concern to a servant who was careless whether he did it or not, and the same rule must hold good in a revenue sense. The commissioners may continue discharging every day, and the example will have no weight while the salary is an object so inconsiderable, and this disposition has such a general existence. Should it be advanced, that if men will be careless of such bread as is in their possession, they will still be the same were it better; I answer that, as the disposition I am speaking of is not the effect of natural idleness, but of dissatisfaction in point of profit, they would *not* continue the same.

A good servant will be careful of a good place, though very indifferent about a bad one. Besides, this spirit of indifference, should it procure a discharge, is no ways affecting to their circumstances. The easy transition of a qualified officer to a counting-house, or at least to a schoolmaster, at any time, as it naturally supports and backs his indifference about the excise, so it takes off all punishment from the order whenever it happens.

I have known numbers discharged from the excise who would have been a credit to their patrons and the employment, could they have found it worth their while to have attended to it.

No man enters into excise with any higher expectations than a competent maintenance; but not to find even that, can produce nothing but *Corruption, Collusion* and *Neglect.*

REMARKS ON THE QUALIFICATIONS OF OFFICERS

In employments where direct labor only is wanted, and trust quite out of the question, the service is merely animal or mechanical. In cutting a river, or forming a road, as there is no possibility of fraud, the merit of honesty is but of little weight. Health, strength, and hardiness are the laborer's virtues. But where property depends on the trust, and lies at the discretion of the servant, the judgment of the master takes a different channel, both in the choice and the wages. The honest and the dissolute have here no comparison of merit. A known thief may be trusted to gather stones; but a steward ought to be proof against the temptations of uncounted gold.

The excise is so far from being of the nature of the first, that it is all and more than can commonly be put together in the last: 'Tis a place of *poverty, of trust, of opportunity, and temptation.* A compound of discords, where the more they

harmonize, the more they offend. Ruin and reconcilement are produced at once.

To be properly qualified for the employment, it is not only necessary that the person should be honest, but that he be sober, diligent, and skilful: sober, that he may be always capable of business; diligent, that he may be always in his business; and skilful, that he may be able to prevent or detect frauds against the revenue. The want of any of these qualifications is a capital offense in the excise. A complaint of drunkenness, negligence, or ignorance, is certain death by the laws of the board.

It cannot then be all sorts of persons who are proper for the office. The very notion of procuring a sufficient number for even less than the present salary, is so destitute of every degree of sound reason, that it needs no reply. The employment, from the insufficiency of the salary, is *already* become so inconsiderable in the general opinion, that persons of any capacity or reputation will keep out of it; for where is the mechanic, or even the laborer, who cannot earn at least 1s. 9¼d. per day? It certainly cannot be proper to take the dregs of every calling, and to make the excise the common receptacle for the indigent, the ignorant, and the calamitous.

A truly worthy commissioner, lately dead, made a public offer a few years ago, of putting any of his neighbors' sons into the excise; but though the offer amounted almost to an invitation, one only, whom seven years' apprenticeship could not make a tailor, accepted it; who, after a twelve-month's instruction, was ordered off, but in a few days finding the employment beyond his abilities, he prudently deserted it, and returned home, where he now remains in the character of a husbandman.

There are very few instances of rejection even of persons who can scarce write their own names legibly; for as there is neither law to compel, nor encouragement to incite, no other can be had than such as offer, and none will offer who can see any other prospect of living. Everyone knows that the excise is a place of labor, not of ease; of hazard, not of certainty; and that downright poverty finishes the character.

It must strike every considerate mind to hear a man with a large family faithful enough to declare, that he cannot support himself on the salary with that honest independence he could wish. There is a great degree of affecting honesty in an ingenuous confession. Eloquence may strike the ear, but the language of poverty strikes the

heart; the first may charm like music, but the second alarms like a knell.

Of late years there has been such an admission of improper and ill-qualified persons into the excise, that the office is not only become contemptible, but the revenue insecure. Collectors, whose long services and qualifications have advanced them to that station, are disgraced by the wretchedness of new supers continually. Certainly some regard ought to be had to decency, as well as merit.

These are some of the capital evils which arise from the wretched poverty of the salary. Evils they certainly are; for what can be more destructive in a revenue office, than CORRUPTION, COLLUSION, NEGLECT, AND ILL QUALIFICATIONS?

Should it be questioned whether an augmentation of salary would remove them, I answer, there is scarce a doubt to be made of it. Human wisdom may possibly be deceived in its wisest designs; but here, every thought and circumstance establish the hope. They are evils of such a ruinous tendency, that they must, by some means or other, be removed. Rigor and severity have been tried in vain; for punishment loses all its force where men expect and disregard it.

Of late years, the Board of Excise has shown

an extraordinary tenderness in such instances as might otherwise have affected the circumstances of their officers. Their compassion has greatly tended to lessen the distresses of the employment: but as it cannot amount to a total removal of them, the officers of excise throughout the kingdom have (as the voice of one man) prepared petitions to be laid before the Honorable House of Commons on the ensuing Parliament.

An augmentation of salary, sufficient to enable them to live honestly and competently, would produce more good effect than all the laws of the land can enforce. The generality of such frauds as the officers have been detected in, have appeared of a nature as remote from inherent dishonesty as a temporary illness is from an incurable disease. Surrounded with *want, children,* and *despair,* what can the *husband* or the *father* do? No laws compel like nature—no connections bind like blood.

With an addition of salary, the excise would wear a new aspect, and recover its former constitution. Languor and neglect would give place to care and cheerfulness. Men of reputation and abilities would seek after it, and finding a comfortable maintenance, would stick to it. The unworthy and the incapable would be rejected;

the power of superiors be re-established, and laws and instructions receive new force. The officers would be secured from the temptations of poverty, and the revenue from the evils of it; the cure would be as extensive as the complaint, and new health out-root the present CORRUPTIONS.

THOMAS PAINE.

LETTER TO DR. GOLDSMITH

HONORED SIR:

HEREWITH I present you with the case of the officers of excise. A compliment of this kind from an entire stranger may appear somewhat singular; but the following reasons and information will, I presume, sufficiently apologize. I act, myself, in the humble station of an officer of excise, though somewhat differently circumstanced to what many of them are, and have been the principal promoter of a plan for applying to Parliament this session for an increase of salary.

A petition for this purpose has been circulated through every part of the kingdom, and signed by all the officers therein. A subscription of three shillings per officer is raised, amounting to upwards of £500, for supporting the expenses. The excise officers in all cities and corporate towns, have obtained letters of recommendation from the electors to the members in their behalf, many or most of whom have promised their support. The inclosed case we have presented to most of the members, and shall to all, before the petition appears in the House.

The memorial before you, met with so much approbation while in manuscript, that I was advised to print four thousand copies: three thousand of which were subscribed for the officers in general, and the remaining one thousand reserved for presents. Since the delivering them I have received so many letters of thanks and approbation for the performance, that were I not rather singularly modest, I should insensibly become a little vain. The literary fame of Dr. Goldsmith has induced me to present one to him, such as it is. It is my first and only attempt, and even now I should not have undertaken it, had I not been particularly applied to by some of my superiors in office.

I have some few questions to trouble Dr. Goldsmith with, and should esteem his company for an hour or two, to partake of a bottle of wine, or anything else, and apologize for this trouble, as a singular favor conferred on

His unknown
Humble servant and admirer,
THOMAS PAINE.

Excise Coffee House,
Broad Street, December 21, 1772.

P.S. Shall take the liberty of waiting on you in a day or two.

SCIENTIFIC MEMORANDA

Trees and Fountains

Written at Paris, in 1788, and left with Jefferson, residing at Challiot.

DEAR SIR: I enclose you a problem, not about bridges, but trees; and to explain my meaning I begin with a fountain. The idea seems far-fetched—but fountains and trees are in my walk to Challiot. Suppose Figure 1, a fountain. It is evident that no more water can pass through the branching tubes than passes through the trunk. Secondly that, admitting all the water to pass with equal freedom, the sum of the squares of the diameters of the two first branches must be equal to the square of the diameter of the trunk; also the sum of the squares of the four branches must be equal to the two; and the sum of the squares of the eight branches must be equal to the four. And therefore 8, 4, 2, and the trunk, being reciprocally equal, the solid content of the whole will be equal to the cylinder (figure 2) of the same diameter of the trunk, and height of the fountain.

Carry the idea of a fountain to a tree growing. Consider the sap ascending in capillary

tubes like the water in the fountain, and no more sap will pass through the branches than passes through the trunk. Secondly, consider the branches as so many divisions and subdivisions of the trunk, as they are in the fountain, and that their contents are to be found by some rule—with the difference only of a pyramidal figure instead of a cylindrical one. Therefore, to find the quantity of timber (or rather loads) in the tree (figure 3) draw a pyramid equal to the height of the tree (as in figure 4) taking for the inclination of the pryamid the diameter at the bottom, and at any discretionary height above it (which in this is as three and two).

P.S.—As sensible men should never guess, and as it is impossible to judge without some point to begin at, this appears to me to be that point; and [one] by which a person may ascertain near enough the quantity [of] timber and loads of wood in any quantity of land. And he may distinguish them into timber, wood, and faggots.

Attraction

Your saying last evening that Sir Isaac Newton's principle of gravitation would not explain, or could not apply as a rule to find the quantity of the attraction of cohesion, and my replying

that I never could comprehend any meaning in the term "Attraction of Cohesion"—the result must be, that either I have a dull comprehension, or that the term does not admit of comprehension. It appears to me an Athanasian jumble of words, each of which admits of a clear and distinct idea, but of no idea at all when compounded.

The immense difference there is between the attracting power of two bodies, at the least possible distance the mind is capable of conceiving, and the great power that instantly takes place to resist separation when the two bodies are incorporated, prove to me that there is something else to be considered in the case than can be comprehended by attraction of gravitation. Yet this matter appears sufficiently luminous to me, according to my own line of ideas.

Attraction is to matter, what desire is to the mind; but cohesion is an entirely different thing, produced by an entirely different cause—it is the effect of the figure of matter.

Take two iron hooks—the one strongly magnetical—and bring them to touch each other, and a very little force will separate them for they are held together only by attraction. But their figure renders them capable of holding each other

with infinitely more power to resist separation than attraction can; by hooking them.

Now if we suppose the particles of matter to have figures capable of interlocking and embracing each other we shall have a clear distinct idea between cohesion and attraction, and that they are things totally distinct from each other and arise from as different causes.

The welding of two pieces of iron appears to me no other than entangling the particles in much the same manner as turning a key within the wards of a lock—and if our eyes were good enough we should see how it was done.

I recollect a scene at one of the theaters that very well explains the difference between attraction and cohesion. A condemned lady wishes to see her child and the child its mother—this call attraction. They were admitted to meet, but when ordered to part they threw their arms round each other and fastened their persons together. This is what I mean by cohesion—which is a mechanical contact of the figures of their persons, as I believe all cohesion is.

Though the term *"attraction of cohesion"* has always appeared to me like the Athanasian Creed, yet I think I can help the philosophers to a better explanation of it than what they give themselves

—which is, to suppose the attraction to continue in such a direction as to produce the mechanical interlocking of the figure of the particles of the bodies attracted.

Thus suppose a male and female screw lying on a table, and attracting each other with a force capable of drawing them together. The direction of the attracting power to be a right line till the screws begin to touch each other, and then, if the direction of the attracting power be circular, the screws will be screwed together. But even in this explanation, the cohesion is mechanical, and the attraction serves only to produce the contact.

While I consider attraction as a quality of matter capable of acting at a distance from the visible presence of matter, I have as clear an idea of it as I can have of invisible things.

And while I consider cohesion as the mechanical interlocking of the particles of matter, I can conceive the possibility of it much easier than I can attraction, because I can, by crooking my fingers, see figures that will interlock—but no visible figure can explain attraction. Therefore to endeavor to explain the less difficulty by the greater appears to me unphilosophical. The cohesion which others attribute to attraction and

which they cannot explain, I attribute to figure, which I can explain.

A number of fish hooks attracting and moving toward each other will show me there is such a thing as attraction, but I see not how it is performed, but their figurative hooking together shows cohesion visibly. And a handful of fish hooks thrown together in a heap explains cohesion better than all the Newtonian philosophy. It is with gravitation, as it is with all new discoveries, it is applied to explain too many things.

It is a rainy morning, and I am waiting for Mr. Parker, and in the meantime, having nothing else to do, I have amused myself with writing this.

On the Means of Generating Motion for Mechanical Uses

Sent to Jefferson, from Paris, June 25, 1801.

As the limit of the mechanical powers, properly so called, is fixed—in nature no addition or improvement otherwise than in the application of them, can be made. To obtain a still greater quantity of power we must have recourse to the natural powers, and for usefulness, combine them with the mechanical powers. Of this kind are wind and water, to which has since been

added steam. The first two cannot be generated at pleasure. We must take them where and when we find them.

It is not so with the steam engine. It can be erected in any place and act in all times where a well can be dug and fuel can be obtained. Attempts have been made to apply this power to the purpose of transportation, as that of moving carriages on land and vessels on the water. The first I believe to be impracticable, because I suppose, that the weight of the apparatus necessary to produce steam is greater than the power of the steam to remove that weight and consequently that the steam engine cannot move itself.

The thing wanted for purposes of this kind, and if applicable to this may be applicable to many others, is something that contains the greatest quantity of power in the least quantity of weight and bulk, and we find this property in gunpowder. When I consider the wisdom of nature I must think that she endowed matter with this extraordinary property for other purposes than that of destruction. Poisons are capable of other uses than that of killing.

If the power which an ounce of gunpowder contains could be detailed out as steam or water can be, it would be a most commodious natural

power, because of its small weight, and little bulk; but gunpowder acts, as to its force, by explosion. In most machinery operations the generating power is applied to produce a rotary motion on a wheel, and I think that gunpowder can be applied to this purpose.

But as an ounce of gunpowder or any other quantity when on fire, cannot be detailed out so as to act with equal force through any given space of time, the substitute in this case is, to divide the gunpowder into a number of equal parts, and discharge them in equal spaces of time on the wheel, so as to keep it in nearly an equal and continual motion; as a boy's whipping top is kept up by repeated floggings. Every separate stroke given to the top acts with the suddenness of explosion, but produces, as to continual motion, the effect of uninterrupted power.

When a stream of water strikes on a water wheel, it puts it in motion, and continues it. Suppose the water removed and that discharges of gunpowder were made on the periphery of the wheel where the water strikes, would they not produce the same effect?

I mention this merely for the simplicity of the case. But the wheel on which gunpowder is to act must be fitted for the purpose. The buckets

or boards placed on the periphery of a water wheel are the whole breadth of the stream of water; but the parts corresponding to them on a gunpowder wheel should be of iron and concave like a cup, and of no larger size than to receive the whole of the explosion. The back of them should be convex or oval, because in that shape they meet with less resistance from the air.

The barrels from which the discharges are to be made, should, I think, be in the direction of a tangent with the cups. But if it should be found better to make the discharge on the solid periphery of the wheel the barrels should be a tangent of a circle something less than the periphery of the wheel. A wheel put and continued in motion in this manner is represented by holding the axis of a wheel in one hand and striking the periphery with the other.

If acting on the solid periphery of the wheel should be found preferable to acting on the cups, the wheel should be shod with iron, the edges should be turned up and the middle part fluted cross. By this means the explosion cannot well escape sideways and the fluting will be preferable to a plain surface.

That the power of any given quantity of gunpowder can be detailed out by this means to act

through any given quantity of time, and that a wheel can be put and continued in motion thereby, there is I think no doubt. Whether it will answer profitably in practise is another question. But the experiment, I think is worth making, and the more so, because it appears one of things in which a small experiment decides almost positively for a large one, which is not the case in many other small experiments. I think the wheel for a great work should be large, 30 or 40 feet diameter, because the explosions would give too much velocity to a small one, and because the larger the wheel is, the longer the explosion would rest upon it and the motion will be less irregular.

The machine which it seems to come into competition with is the steam engine. In the first place a steam engine is very expensive to erect. In this only a few iron barrels are required. In a steam engine the expense and consumption of fuel is great, and this is to be compared to the expense of gunpowder, with the advantage that the interest of the money expended in erecting a steam engine goes toward the expense of the gunpowder.

A steam engine is subject to be out of order, and for this reason they frequently have two, that when one is repairing the other can supply

its place, or all the works dependent upon it must stand still. But nothing of this kind can happen to the gunpowder engine, because if a barrel burst, which is all that can happen, its place can be immediately supplied by another; but if a boiler bursts there must be a new one. But I will not take up your time with calculations of this kind. The first thing to know is, if the experiment will succeed.

If in your retirement from business you should be disposed to vary your mechanical amusements, I wish you would try the effect of gunpowder on a wheel of two or three feet diameter; the smallest bored pistol there is, about the size of a quill, would give it considerable velocity. The first experiment will be to observe how long it will revolve with one impulse, and then with two. If the wheel revolves perpendicularly fast to its axis, and a cord be fastened to the axis with a weight to the end of the cord which, when the wheel is in motion, will wind on the axis and draw up the weight, the force with which it revolves will be known.

Perhaps there may be some difficulty in starting a great wheel into motion at first, because gunpowder acts with a shock. In this case, might not gunpowder be mixed with some other

material, such as is used to make sky-rockets ascend? because this lessens the shock and prolongs the force. But I conceive that after the wheel is in motion, there will be scarcely any sensible shock from the gunpowder.

As it is always best to say nothing about new concerts till we know something of their effects I shall say nothing of this till I have the happiness to see you, which I hope will not be long, and which I anxiously wish for. T. P.

THE IRON BRIDGE

LETTER TO SIR GEORGE STAUNTON, BART.

SIR:—As I know you interest yourself in the success of the useful arts, and are a member of the society for the promotion thereof, I do myself the pleasure to send you an account of a small experiment I have been making at Messrs. Walker's iron works at this place. You have already seen the model I constructed for a bridge of a single arch, to be made of iron, and erected over the river Schuylkill, at Philadelphia; but as the dimensions may have escaped your recollection, I will begin with stating those particulars.

The vast quantity of ice and melted snow at the breaking up of the frost in that part of America, render it impracticable to erect a bridge on piers. The river can conveniently be contracted to 400 feet, the model, therefore, is for an arch of 400 feet span; the height of the arch in the center, from the chord thereof, is to be about 20 feet, and to be brought off on the top, so as to make the ascent about 1 foot in 18 or 20.

The judgment of the Academy of Sciences at Paris, has been given on the principles and

practicability of the construction. The original, signed by the Academy, is in my possession; and in which they fully approve and support the design. They introduce their opinion by saying:

It is certain that when such a project as that of making an iron arch of 400 feet span is thought of, and when we consider the effects resulting from an arch of such vast magnitude, it would be strange if doubts were not raised as to the success of such an enterprise, from the difficulties which at first present themselves. But if such be the disposition of the various parts, and the method of uniting them, that the collective body should present a whole both firm and solid, we should then no longer have the same doubts of the success of the plan.

The Academy then proceed to state the reasons on which their judgment is founded, and conclude with saying:

We conclude from what we have just remarked that Mr. Paine's plan of an iron bridge is ingeniously imagined, that the construction of it is simple, solid, and proper to give it the necessary strength for resisting the effects resulting from its burden, and that it is deserving of a trial. In short, it may furnish a new example of the application of a metal, which has not hitherto been used in any works on an extensive scale, although on many occasions it is employed with the greatest success.

As it was my design to pass some time in England before I returned to America, I em-

ployed part of it in making the small essay I am now to inform you of.

My intention, when I came to the iron works, was to raise an arch of at least 200 feet span; but as it was late in the fall of last year, the season was too far advanced to work out of doors, and an arch of that extent too great to be worked within doors, and as I was unwilling to lose time, I moderated my ambition with a little "common sense," and began with such an arch as could be compassed within some of the buildings belonging to the works. As the construction of the American arch admits, in practise, any species of curve with equal facility, I set off in preference to all others a catenarian arch of 90 feet span and 5 feet high. Were this arch converted into an arch of a circle, the diameter of its circle would be 410 feet. From the ordinates of the arch taken from the wall where the arch was struck, I produced a similar arch on the floor whereon the work was to be fitted and framed, and there was something so apparently just when the work was set out, that the looking at it promised success.

You will recollect that the model is composed of four parallel arched ribs, and as the number of ribs may be increased at pleasure to any

breadth an arch sufficient for a roadway may require, and the arches to any number the breadth of a river may require, the construction of one rib would determine for the whole; because if one rib succeeded, all the rest of the work, to any extent, is a repetition.

In less time than I expected, and before the winter set in, I had fitted and framed the arch, or properly the rib, completely together on the floor; it was then taken in pieces and stowed away during the winter, in a corner of a workshop, used in the meantime by the carpenters, where it occupied so small a compass as to be hid among the shavings; and though the extent of it is 90 feet, the depth of the arch at the center 2 feet 9 inches, and the depth at the branches 6 feet, the whole of it might, when in pieces, be put in an ordinary stage wagon, and sent to any part of England.

I returned to the works in April, and began to prepare for erecting; we chose a situation between a steel-furnace and a workshop, which served for butments. The distance between those buildings was about 4 feet more than the span of the arch, which we filled up with chumps of wood at each end. I mention this as I shall have occasion to refer to it hereafter.

We soon ran up a center to turn the arch upon, and began our erections. Every part fitted to a mathematical exactness. The raising an arch of this construction is different to the method of raising a stone arch. In a stone arch they begin at the bottom, on the extremities of the arch, and work upward, meeting at the crown. In this we began at the crown by a line perpendicular thereto and worked downward each way. It differs likewise in another respect.

A stone arch is raised by sections of the curve, each stone being so, and this by concentric curves. The effect likewise of the arch upon the center is different, for as stone arches sometimes break down the center by their weight, this, on the contrary, grew lighter on the center as the arch increased in thickness, so much so, that before the arch was completely finished, it rose itself off the center the full thickness of the blade of a knife from one butment to the other, and is, I suppose, the first arch of ninety feet span that ever struck itself.

I have already mentioned that the spaces between the ends of the arches and the butments were filled up with chumps of wood, and those rather in a damp state; and though we rammed them as close as we could, we could not ram them

so close as the drying, and the weight of the arch, or rib, especially when loaded, would be capable of doing; and we had now to observe the effects which the yielding and pressing up of the wood, and which corresponds to the giving away of the butments, so generally fatal to stone arches, would have upon this.

We loaded the rib with six tons of pig-iron, beginning at the center, and proceeding both ways, which is twice the weight of the iron in the rib, as I shall hereafter more particularly mention.

This had not the least visible effect on the strength of the arch, but it pressed the wood home, so as to gain in three or four days, together with the drying and the shrinking of the wood, above a quarter of an inch at each end, and consequently the chord or span of the arch was lengthened above half an inch. As this lengthening was more than double the feather of the keystone in a stone arch of these dimensions, such an alteration at the butment would have endangered the safety of the stone arch, while it produced on this no other than the proper mathematical effect. To evidence this, I had recourse to the cord still swinging on the wall from which the curve of the arch was taken. I set the chord

to ninety feet span, and five feet for the height of the arch, and marked the curve on the wall.

I then removed the ends of the cords horizontally something more than a quarter of an inch at each end. The chord should then describe the exact catenarian curve which the rib had assumed by the same lengthening at the butments; that is, the rising of the chord should exactly correspond to the lowering of the arch, which it did through all their corresponding ordinates. The chord had risen something more than two inches at the center, diminishing to nothing each way, and the arch had descended the same quantity, and in the same proportion.

I much doubt whether a stone arch, could it be constructed as flat as this, could sustain such an alteration; and, on the contrary, I see no reason to doubt but an arch on this construction and dimensions, or corresponding thereto, might be let down to half its height, or as far as it would descend, with safety. I say "as far as it would descend," because the construction renders it exceedingly probable that there is a point beyond which it would not descend, but retain itself independent of butments; but this cannot be explained but by a sight of the arch itself.

In four or five days, the arch having gained

nearly all it could gain on the wood, except what the wood would lose by a summer's drying, the lowering of the arch began to be scarcely visible. The weight still continues on it, to which I intend to add more, and there is not the least visible effect on the perfect curvature or strength of the arch. The arch having thus gained nearly a solid bearing on the wood and the butments, and the days beginning to be warm, and the nights continuing to be cool, I had now to observe the effects of the contraction and expansion of the iron.

The Academy of Sciences at Paris, in their report on the principles and construction of this arch, state these effects as a matter of perfect indifference to the arch, or to the butments, and the experience establishes the truth of their opinion. It is probable the Academy may have taken, in part, the observations of M. Peronnet, architect to the King of France, and a member of the Academy, as some ground for that opinion.

From the observations of M. Peronnet, all arches, whether of stone or brick, are constantly ascending or descending by the changes of the weather, so as to render the difference perceptible by taking a level, and that all stone and brick buildings do the same. In short, that mat-

ter is never stationary, with respect to its dimensions, but when the atmosphere is so; but that as arches, like the tops of houses, are open to the air, and at freedom to rise, and all their weight in all changes of heat and cold is the same, their pressure is very little or nothing affected by it.

I hung a thermometer to the arch, where it has continued several days, and by what I can observe it equals, if not exceeds, the thermometer in exactness.

In twenty-four hours it ascends and descends two and three-tenths of an inch at the center, diminishing in exact mathematical proportion each way; and no sooner does an ascent or descent of half a hair's breadth appear at the center, but it may be proportionally discovered through the whole span of ninety feet. I have affixed an index which multiplies ten times, and it can as easily be multiplied a hundred times: could I make a line of fire on each side the arch, so as to heat it in the same equal manner through all its parts, as the natural air does, I would try it up to blood heat.

I will not attempt a description of the construction; first, because you have already seen the model; and secondly, that I have often observed that a thing may be so very simple as to

baffle description. On this head I shall only say, that I took the idea of constructing it from a spider's web, of which it resembles a section, and I naturally supposed, that when nature enabled that insect to make a web, she taught it the best method of putting it together.

Another idea I have taken from nature is, that of increasing the strength of matter by causing it to act over a larger space than it would occupy in a solid state, as is evidenced in the bones of animals, quills of birds, reeds, canes, etc., which, were they solid with the same quantity of matter, would have the same weight with a much less degree of strength.

I have already mentioned that the quantity of iron in this rib is three tons; that an arch of sufficient width for a bridge is to be composed of as many ribs as that width requires; and that the number of arches, if the breadth of a river requires more than one, may be multiplied at discretion.

As the intention of this experiment was to ascertain, first, the practicability of the construction, and secondly, what degree of strength any given quantity of iron would have when thus formed into an arch, I employed in it no more than three tons, which is as small a quantity as

could well be used in the experiment. It has already a weight of six tons constantly lying on it, without any effect on the strength or perfect curvature of the arch. What greater weight it will bear cannot be judged of; but taking even these as data, an arch of any strength, or capable of bearing a greater weight than can ever possibly come upon any bridge, may be easily calculated.

The river Schuylkill, at Philadelphia, as I have already mentioned, requires a single arch of four hundred feet span. The vast quantities of ice render it impossible to erect a bridge on piers, and is the reason why no bridge has been attempted. But great scenes inspire great ideas. The natural mightiness of America expands the mind, and it partakes of the greatness it contemplates. Even the war, with all its evils, had some advantages. It energized invention and lessened the catalogue of impossibilities. At the conclusion of it every man returned to his home to repair the ravages it had occasioned, and *to think of war no more.*

As one among thousands who had borne a share in that memorable Revolution, I returned with them to the re-enjoyment of quiet life, and, that I might not be idle, undertook to construct

a bridge of a single arch for this river. Our beloved General had engaged in rendering another river, the Potomac, navigable. The quantity of iron I had allowed in my plan for this arch was five hundred and twenty tons to be distributed into thirteen ribs, in commemoration of the thirteen United States, each rib to contain forty tons; but although strength is the first object in works of this kind, I shall, from the success of this experiment, very considerably lessen the quantity of iron I had proposed.

The Academy of Sciences, in their report upon this construction, say, "there is one advantage in the construction of M. Paine's bridge that is singular and important, which is, that the success of an arch to any span can be determined before the work be undertaken on the river, and with a small part of the expense of the whole, by erecting part on the ground."

As to its appearance, I shall give you an extract of a letter from a gentleman in the neighborhood, member in the former Parliament for this county, who, in speaking of the arch, says, "In point of elegance and beauty, it far exceeds my expectations, and it is certainly beyond anything I ever saw." I shall likewise mention that it is much visited and exceedingly

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admired by the ladies, who, though they may not be much acquainted with mathematical principles, are certainly judges of taste.

I shall close my letter with a few other observations, naturally and necessarily connected with the subject.

That, contrary to the general opinion, the most preservative situation in which iron can be placed is within the atmosphere of water, whether it be that the air is less saline and nitrous than that which arises from the filth of streets, and the fermentation of the earth, I am not undertaking to prove; I speak only of fact, which anybody may observe by the rings and bolts in wharfs and other watery situations. I never yet saw the iron chain affixed to a well-bucket consumed or injured by rust; and I believe it is impossible to find iron exposed to the open air in the same preserved condition as that which is exposed over water.

A method of extending the span and lessening the height of arches has always been the *desideratum* of bridge architecture. But it has other advantages. It renders bridges capable of becoming a portable manufacture, as they may, on this construction, be made and sent to any part of the world ready to be erected; and at

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the same time it greatly increases the magnificence, elegance, and beauty of bridges, it considerably lessens their expense, and their appearance by repainting will be ever new; and as they may be erected in all situations where stone bridges can be erected, they may, moreover, be erected in certain situations where, on account of ice, infirm foundations in the beds of rivers, low shores, and various other causes, stone bridges cannot be erected.

The last convenience, and which is not inconsiderable, that I shall mention is, that after they are erected, they may very easily be taken down without any injury to the materials of the construction, and be re-erected elsewhere.

I am, sir,

Your much obliged and obedient humble servant,

THOMAS PAINE.

(*Rotherham, spring of 1789.*)

THE CONSTRUCTION OF IRON BRIDGES

AS bridges, and the method of constructing them, are becoming objects of great importance throughout the United States, and as there are at this time proposals for a bridge over the Delaware, and also a bridge beginning to be erected over the Schuylkill at Philadelphia, I present the public with some account of the construction of iron bridges.

The following memoir on that subject written last winter at the Federal City, was intended to be presented to Congress. But as the session would necessarily be short, and as several of its members would be replaced by new elections at the ensuing session, it was judged better to let it lie over. In the meantime, on account of the bridges now in contemplation, or begun, I give the memoir the opportunity of appearing before the public, and the persons concerned in those works.

N.B.—The two models mentioned in this memoir will, I expect, arrive at Philadelphia by the next packet from the Federal City and will remain for some time in Mr. Peale's museum.

THOMAS PAINE.

Bordentown, June, 1803.

TO THE CONGRESS OF THE UNITED STATES

I HAVE deposited in the office of the Secretary of State, and under the care of the Patent Office, two models of iron bridges; the one in pasteboard, the other cast in metal. As they will show, by inspection the manner of constructing iron bridges, I shall not take up the time of Congress with a description of them.

My intention in presenting this memoir to Congress, is to put the country in possession of the means and of the right of making use of the construction freely; as I do not intend to take any patent right for it.

As America abounds in rivers that interrupt the land communication, and as by violence of floods, and the breaking up of the ice in the spring, the bridges depending for support from the bottom of the river are frequently carried away, I turned my attention, after the Revolutionary War was over, to find a method of constructing an arch, that might, without rendering the height inconvenient or the ascent difficult, extend at once from shore to shore, over rivers of three, four, or five hundred feet, and probably more.

The principle I took to begin with, and work upon, was that the small segment of a large cir-

cle was preferable to the great segment of a small circle. The appearance of such arches, and the manner of forming and putting the parts together, admit of many varieties, but the principle will be the same in all. The bridge architects that I conversed with in England denied the principle, but it was generally supported by mathematicians, and experiment has now established the fact.

In 1786, I made three models, partly at Philadelphia, but mostly at Bordentown in the State of New Jersey. One model was in wood, one in cast iron, and one in wrought iron connected with blocks of wood, representing cast iron blocks, but all on the same principle, that of the small segment of a large circle.

I took the last mentioned one with me to France in 1787, and presented it to the Academy of Sciences at Paris for their opinion of it. The Academy appointed a committee of three of their own body—Mons. Le Roy, the Abbé Bossou, and Mons. Borda. The first was an acquaintance of Dr. Franklin, and of Mr. Jefferson, then minister at Paris. The two others were celebrated as mathematicians. I presented it as a model for a bridge of a single arch of four hundred feet span over the river Schuylkill at Philadelphia. The

committee brought in a report which the Academy adopted—that an arch on the principle and construction of the model, in their opinion, might be extended four hundred feet, the extent proposed.

In September of the same year, I sent the model to Sir Joseph Banks, president of the Royal Society in England, and soon after went there myself.

In order to ascertain the truth of the principle on a larger scale than could be shown by a portable model five or six feet in length, I went to the iron-foundry of Messrs. Walker, at Rotherham, County of Yorkshire, in England, and had a complete rib of 90 feet span, and 5 feet of height from the chord line to the center of the arch, manufactured and erected. It was a segment of a circle of 410 feet diameter; and until this was done, no experiment on a circle of such an extensive diameter had ever been made in architecture, or the practicability of it supposed.

The rib was erected between a wall of a furnace belonging to the iron-works, and the gable end of a brick building, which served as butments. The weight of iron in the rib was three tons, and we loaded it with double its weight in pig-iron. I wrote to Mr. Jefferson who was then at Paris,

an account of this experiment, and also to Sir Joseph Banks in London, who in his answer to me says—"I look for many other bold improvements from your countrymen, the Americans, who think with vigor, and are not fettered with the trammels of science before they are capable of exerting their mental faculties to advantage."

On the success of this experiment, I entered into an agreement with the iron-founders at Rotherham to cast and manufacture a complete bridge, to be composed of five ribs of 210 feet span, and 5 feet of height from the chord line, being a segment of a circle 610 feet diameter, and sent it to London, to be erected as a specimen for establishing a manufactory of iron bridges, to be sent to any part of the world.

The bridge was erected at the village of Paddington, near London, but being in a plain field, where no advantage could be taken of butments without the expense of building them, as in the former case, it served only as a specimen of the practicability of a manufactory of iron bridges. It was brought by sea, packed in the hold of a vessel, from the place where it was made; and after standing a year was taken down, without injury to any of its parts, and might be erected anywhere else.

At this time my bridge operations became suspended. Mr. Edmund Burke published his attack on the French Revolution and the system of representative government, and in defense of government by hereditary succession, a thing which is in its nature an absurdity, because it is impossible to make wisdom hereditary; and therefore, so far as wisdom is necessary in a government, it must be looked for where it can be found, sometimes in one family, sometimes in another. History informs us that the son of Solomon was a fool. He lost ten tribes out of twelve (2 Chron. ch. x). There are those in later times who lost thirteen.

The publication of this work by Mr. Burke, absurd in its principles and outrageous in its manner, drew me, as I have said, from my bridge operations, and my time became employed in defending a system then established and operating in America, and which I wished to see peaceably adopted in Europe. I therefore ceased my work on the bridge to employ myself on the more necessary work, "Rights of Man," in answer to Mr. Burke.

In 1792, a convention was elected in France for the express purpose of forming a Constitution on the authority of the people, as had been done

in America, of which convention I was elected a member. I was at this time in England, and knew nothing of my being elected till the arrival of the person who was sent officially to inform me of it.

During my residence in France, which was from 1792 to 1802, an iron bridge of 236 feet span, and 34 of height from the chord line, was erected over the river Wear near the town of Sunderland, in the County of Durham, England. It was done chiefly at the expense of the two members of Parliament for that county, Milbanke and Burdon.

It happened that a very intimate friend of mine, Sir Robert Smyth (who was also an acquaintance of Mr. Monroe, the American Minister, and since of Mr. Livingston), was then at Paris. He had been a colleague in Parliament with Milbanke, and supposing that the persons who constructed the iron bridge at Sunderland had made free with my model, which was at the iron-works where the Sunderland bridge was cast, he wrote to Milbanke on the subject, and the following is that gentleman's answer.

"With respect to the iron bridge over the river Wear at Sunderland, it certainly is a work well deserving admiration, both for its structure and

utility, and I have good grounds for saying that the first idea was suggested by Mr. Paine's bridge exhibited at Paddington. What difference there may be in some part of the structure, or in the proportion of wrought and cast iron, I cannot pretend to say, Burdon having undertaken to build the bridge, in consequence of his having taken upon himself whatever the expense might be beyond between three and four thousand pounds sterling, subscribed by myself and some other gentlemen.

"But whatever the mechanism might be, it did not supersede the necessity of a center."* (The writer has here confounded a center with a scaffolding.) "Which center (continues the writer) was esteemed a very ingenious piece of workmanship, and taken from a plan sketched out by Mr. Nash, an architect of great merit, who had been consulted in the outset of the business, when a bridge of stone was in contemplation.

"With respect therefore to any gratuity to Mr. Paine, though ever so desirous of rewarding the labors of an ingenious man, I do not feel how, under the circumstances already described, I have

*It is the technical term, meaning the boards and numbers which form the arch upon which the permanent materials are laid; when a bridge is finished the workmen say they are ready to strike center, that is to take down the scaffolding.

it in my power, having had nothing to do with the bridge after the payment of my subscription, Mr. Burdon then becoming accountable for the whole. But if you can point out any mode according to which it would be in my power to be instrumental in procuring him any compensation for the advantages the public may have derived from his ingenious model, from which certainly the outline of the bridge at Sunderland was taken, be assured it will afford me very great satisfaction.*

"RA. MILBANKE."

The year before I left France, the Government of that country had it in contemplation to erect an iron bridge over the river Seine, at Paris. As all edifices of public construction came under the cognizance of the Minister of the Interior (and as their plan was to erect a bridge of five iron arches of 100 feet span each, instead of passing the river with a single arch, and which was going backward in practise, instead of forward, as there was already an iron arch of 230 feet in existence) I wrote the Minister of the Interior, the citizen Chaptal, a memoir on the construction of iron bridges. The following is his answer:

*The original is in my possession.

"The Minister of the Interior to the citizen Thomas Paine.—I have received, citizen, the observations that you have been so good as to address to me upon the construction of iron bridges. They will be of the greatest utility to us, when the new kind of construction goes to be executed for the first time. With pleasure, I assure you, citizen, that you have rights of more than one kind to the thankfulness of nations, and I give you, cordially, the particular expression of my esteem.

—CHAPTAL." *

A short time before I left France, a person came to me from London with plans and drawings for an iron bridge of one arch over the river Thames at London, of 600 feet span, and 60 feet of height from the chord line. The subject was then before a committee of the House of Commons, but I know not the proceedings thereon.

As this new construction of an arch for bridges, and the principles on which it is founded, originated in [f]America, as the documents I have produced sufficiently prove, and is becoming an object of importance to the world, and to no part of it more than to our own country, on account

*The original, in French, is in my possession.

of its numerous rivers, and as no experiment has been made in America to bring it into practise, further than on the model I have executed myself, and at my own expense, I beg leave to submit a proposal to Congress on the subject, which is:

To erect an experiment rib of about 400 feet span, to be the segment of a circle of at least 1,000 feet diameter, and to let it remain exposed to public view, that the method of constructing such arches may be generally known.

It is an advantage peculiar to the construction of iron bridges that the success of an arch of a given extent and height, can be ascertained without being at the expense of building the bridge; which is, by the method I propose, that of erecting an experiment rib on the ground where advantage can be taken of two hills for butments.

I began in this manner with the rib of 90 feet span and 5 feet of height, being a segment of a circle of 410 feet diameter. The undertakers of the Sunderland bridge began in the same manner. They contracted with the iron-founder for a single rib, and, finding it to answer, had five more manufactured like it, and erected into a bridge consisting of six ribs, the experiment rib being one.

But the Sunderland bridge does not carry the principle much further into practise than had been done by the rib of 90 feet span and 5 feet in height, being, as before said, a segment of a circle of 410 feet diameter; the Sunderland bridge being 206 feet span and 34 feet of height, gives the diameter of the circle of which it is a segment to be 444 feet, within a few inches, which is but a larger segment of a circle 30 feet more diameter.

The construction of those bridges does not come within the line of any established practise of business. The stone architect can derive but little from the theory of practise of his art that enters into his construction of an iron bridge; and the iron-founder, though he may be expert in moulding and casting the parts, when the models are given him, would be at a loss to proportion them, unless he was acquainted with all the lines and properties belonging to a circle.

If it should appear to Congress that the construction of iron bridges will be of utility to the country, and they should direct that an experiment rib be made for that purpose, I will furnish the proportions for the several parts of the work, and give my attendance to superintend the erection of it.

But, in any case, I have to request that this memoir may be put on the journals of Congress, as an evidence hereafter, that this new method of constructing bridges originated in America.

THOMAS PAINE.

Federal City, January 3, 1803.

TO THE PEOPLE OF ENGLAND ON THE INVASION OF ENGLAND*

IN casting my eye over England and America, and comparing them together, the difference is very striking. The two countries were created by the same power, and peopled from the same stock. What then has caused the difference? Have those who emigrated to America improved, or those whom they left behind degenerated? There are as many degrees of difference in the political morality of the two people as there are of longitude between the two countries.

*Paine wrote a letter read by Coupé to the Council of Five Hundred, January 28, 1798:

"Citizens Representatives: Though it is not convenient to me, in the present situation of my affairs, to subscribe to the loan toward the descent upon England, my economy permits me to make a small patriotic donation. I send a hundred livres, and with it all the wishes of my heart for the success of the descent, and a voluntary offer of any service I can render to promote it.

"There will be no lasting peace for France, nor for the world, until the tyranny and corruption of the English Government be abolished, and England, like Italy, become a sister republic. As to those men, whether in England, Scotland, or Ireland, who, like Robespierre in France, are covered with crimes, they, like him, have no other resource than committing more. But the mass of the people are the friends of liberty: tyranny and taxation oppress them, but they deserve to be free.

"Accept, Citizens Representatives, the congratulations of an old colleague in the dangers we have passed and on the happy prospect before us. *Salut et respect.*"—Ed.

In the science of cause and effect, everything that enters into the composition of either must be allowed its proportion of influence. Investigating, therefore, into the cause of this difference, we must take into the calculation the difference of the two systems of government, the *hereditary* and the *representative*.

Under the hereditary system, it is the government that forms and fashions the political character of the people. In the representative system, it is the people that form the character of the government. Their own happiness as citizens forms the basis of their conduct, and the guide of their choice. Now, is it more probable that a hereditary government should become corrupt, and corrupt the people by its example, or that a whole people should become corrupt, and produce a corrupt government? For the point where the corruption begins, becomes the source from whence it afterwards spreads.

While men remained in Europe as subjects of some hereditary potentate, they had ideas conformable to that condition; but when they arrived in America, they found themselves in possession of a new character, the character of sovereignty; and, like converts to a new religion, they became inspired with new principles. Ele-

vated above their former rank, they considered government and public affairs as part of their own concern, for they were to pay the expense and they watched them with circumspection.

They soon found that government was not that complicated thing, enshrined in mystery, which Church and State, to play into each other's hands, had represented; and that to conduct it with proper effect, was to conduct it justly. Common sense, common honesty, and civil manners, qualify a man for government, and besides this, put man in a situation that requires new thinking, and the mind will grow up to it, for, like the body, it improves by exercise. Man is but a learner all his lifetime.

But whatever be the cause of the difference of character between the government and people of England and those of America, the effect arising from that difference is as distinguishable as the sun from the moon. We see America flourishing in peace, cultivating friendship with all nations, and reducing her public debt and taxes, incurred by the Revolution. On the contrary, we see England almost perpetually in war, or warlike disputes, and her debt and taxes continually increasing.

Could we suppose a stranger, who knew

nothing of the origin of the two countries, he would from observation conclude that America was the *old* country, experienced and sage, and England the *new,* eccentric and wild.

Scarcely had England drawn home her troops from America, after the Revolutionary War, than she was on the point of plunging herself into a war with Holland, on account of the Stadtholder; then with Russia; then with Spain, on the account of Nootka *cat-skins;* and actually with France to prevent her Revolution. Scarcely had she made peace with France, and before she had fulfilled her own part of the treaty, than she declared war again to avoid fulfilling the treaty.

In her treaty of peace with America, she engaged to evacuate the Western posts within six months, but having obtained peace she refused to fulfil the conditions, and kept possession of the posts and embroiled us in an Indian war. In her treaty of peace with France, she engaged to evacuate Malta within three months, but having obtained peace she refused to evacuate Malta, and began a new war.

All these matters pass before the eyes of the world, who form their own opinion thereon, regardless of what English newspapers may say of France, or French papers say of England. The

non-fulfilment of a treaty is a case that everybody can understand. They reason upon it as they would on a contract between two individuals, and in so doing they reason from a right foundation. The affected pomp and mystification of courts make no alteration in the principle.

Had France declared war to compel England to fulfil the treaty, as a man would commence a civil action to compel a delinquent party to fulfil a contract, she would have stood acquitted in the opinion of nations. But that England still holding Malta, should go to war for Malta, is a paradox not easily solved, unless it be supposed that the peace was insidious from the beginning, that it was concluded with the expectation that the military ardor of France would cool, or a new order of things arise, or a national discontent prevail, that would favor a non-execution of the treaty, and leave England arbiter of the fate of Malta.

Something like this, which was like a vision in the clouds, must have been the calculation of the British Ministry; for certainly they did not expect the war would take the turn it has. Could they have foreseen, and they ought to have foreseen, that a declaration of war was the same as sending a challenge to Bonaparte to invade Eng-

land and make it the seat of war, they hardly would have done it unless they were mad; for in any event such a war might produce, in a military view, it is England would be the sufferer unless it terminated in a wise revolution

One of the causes assigned for this declaration of war by the British Ministry, was that Bonaparte had cramped their commerce. If by cramping their commerce is to be understood that of encouraging and extending the commerce of France, he had a right, and it was his duty to do it. The prerogative of monopoly belongs to no nation. But to make this one of the causes of war, considering their commerce in consequence of that declaration is now cramped ten times more, is like the case of a foolish man who, after losing an eye in fight, renews the combat to revenge the injury, and loses the other eye.

Those who never experienced an invasion, by suffering it, which the English people have not, can have but little idea of it. Between the two armies the country will be desolated, wherever the armies are, and that as much by their own army as by the enemy. The farmers on the coast will be the first sufferers; for, whether their stock of cattle, corn, etc., be seized by the invading army, or driven off, or burnt, by orders of their

own Government, the effect will be the same to them.

As to the revenue, which has been collected altogether in paper, since the bank stopped payment, it will go to destruction the instant an invading army lands; and as to effective government, there can be but little where the two armies are contending for victory in a country small as England is.

With respect to the general politics of Europe, the British Ministry could not have committed a greater error than to make Malta the ostensible cause of the war; for though Malta is an unproductive rock, and will be an expense to any nation that possesses it, there is not a power in Europe will consent that England should have it. It is a situation capable of annoying and controlling the commerce of other nations in the Mediterranean; and the conduct of England on the seas and in the Baltic, has shown the danger of her possessing Malta. Bonaparte, by opposing her claim, has all Europe with him: England, by asserting it, loses all.

Had the English Ministry studied for an object that would put them at variance with all nations, from the North of Europe to the South, they could not have done it more effectually.

But what is Malta to the people of England, compared with the evils and dangers they already suffer in consequence of it? It is their own government that has brought this upon them. Were Burke now living, he would be deprived of his exclamation, that *"the age of chivalry is gone;"* for this declaration of war is like a challenge sent from one knight of the sword to another knight of the sword to fight him on the challenger's ground, and England is staked as the prize.

But though the British Ministry began this war for the sake of Malta, they are now artful enough to keep Malta out of sight. Not a word is now said about Malta in any of their Parliamentary speeches and messages. The King's speech is silent upon the subject, and the invasion is put in its place, as if the invasion was the cause of the war and not the consequence of it. This policy is easily seen through. The case is, they went to war *without counting the cost,* or calculating upon events, and they are now obliged to shift the scenes to conceal the disgrace.

If they were disposed to try experiments upon France, they chose for it the worst possible time, as well as the worst possible object. France has now for its chief the most enterprising and fortunate man, either for deep project or daring

execution, the world has known for many ages. Compared with him, there is not a man in the British Government, or under its authority, has any chance with him. That he is ambitious, the world knows, and he always was so; but he knew where to stop.

He had reached the highest point of probable expectation, and having reduced all his enemies to peace, had set himself down to the improvement of agriculture, manufactures, and commerce at home; and his conversation with the English Ambassador, Whitworth, showed he wished to continue so. In this view of his situation, could anything be worse policy than to give to satisfied ambition a new object, and provoke it into action? Yet this the British Ministry have done.

The plan of a descent upon England by gunboats, began after the first peace with Austria, and the acquisition of Belgium by France. Before that acquisition, France had no territory on the North Sea, and it is there the descent will be carried on. Dunkirk was then her northern limit.

The English coast opposite to France, on the Channel, from the straits between Dover and Calais to the Land's End, about three hundred miles, is high, bold, and rocky, to the height, in

many places, perpendicular of three, four, or five hundred feet, and it is only where there are breaks in the rocks, as at Portsmouth, Plymouth, etc., that a landing can be made; and as those places could be easily protected, because England was mistress of the Channel, France had no opportunity of making an invasion, unless she could first defeat the English fleet. But the union of Belgium to France makes a new order of things.

The English coast on the North Sea, including the counties of Essex, Suffolk, Norfolk, and Lincolnshire, is as level as a bowling green, and approachable in every part for more than two hundred miles. The shore is a clean, firm sand, where a flat-bottomed boat may row dry aground. The country people use it as a race-ground, and for other sports, when the tide is out. It is the weak and defenseless part of England, and it is impossible to make it otherwise: and besides this, there is not a port or harbor in it where ships of the line or large frigates can rendezvous for its protection.

The Belgic coast, and that of Holland, which joins it, are directly opposite this defenseless part, and opens a new passage for invasion. The Dutch fishermen knew this coast better than the English themselves, except those who live upon

it; and the Dutch smugglers know every creek and corner in it.

The original plan, formed in the time of the Directory (but now much more extensive), was to build one thousand boats, each 60 feet long, 16 feet broad, to draw about two feet water, to carry a 24 or 36 pounder in the head, and a field-piece in the stern, to be run out as soon as they touched ground. Each boat was to carry an hundred men, making in the whole one hundred thousand, and to row with twenty or twenty-five oars on a side. Bonaparte was appointed to the command, and by an agreement between him and me, I was to accompany him, as the intention of the expedition was to give the people of England an opportunity of forming a government for themselves, and thereby bring about peace.

I have no reason to suppose this part of the plan is altered, because there is nothing better Bonaparte can do. As to the clamor spread by some of the English newspapers, that he comes for plunder, it is absurd. Bonaparte is too good a general to undiscipline and dissolute his army by plundering, and too good a politician, as well as too much accustomed to great achievements, to

make plunder his object. He goes against the Government that has declared war against him.

As the expedition could choose its time of setting off, either after a storm, when the English would be blown off, or in a calm, or in a fog; and as thirty-six hours' rowing would be able to carry it over, the probability is it would arrive, and when arrived no ship of the line or large frigate could approach it, on account of the shoalness of the coast; and besides this, the boats would form a floating battery, close in with the shore, of a thousand pieces of heavy artillery; and the attempt of Nelson against the gun-boats at Boulogne shows the insufficiency of ships in such situations. About two hundred and fifty gun-boats were built, when the expedition was abandoned for that of Egypt, to which the preparations had served as a feint.

The present impolitic war by the English Government has now renewed the plan, and that with much greater energy than before, and with national unanimity. All France is alive to chastise the English Government for recommencing the war, and all Europe stands still to behold it. The preparations for the invasion have already demonstrated to France what England ought never to have suffered her to know, which is, that

she can hold the English Government in terror, and the whole country in alarm, whenever she pleases, and as long as she pleases, and that without employing a single ship of the line, and more effectually than if she had an hundred sail. The boasted navy of England is outdone by gunboats! It is a revolution in naval tactics; but we live in an age of revolution.

The preparations in England for defense are also great, but they are marked with an ominous trait of character. There is something sullen on the face of affairs in England. Not an address has been presented to the King by any county, city, town, or corporation, since the declaration of war. The people unite for the protection of themselves and property against whatever events may happen, but they are *not pleased,* and their silence is the expression of their discontent.

Another circumstance, curious and awkward, was the conduct of the House of Commons with respect to their address to the King, in consequence of the King's speech at the opening of the Parliament. The address, which is always an echo of the speech, was voted without opposition, and this equivocal silence passed for unanimity. The next thing was to present it, and it was made the order for the next day that the

House should go up in a body to the King, with the speaker at their head, for that purpose.

The time fixed was half after three, and it was expected the procession would be numerous, three or four hundred at least, in order to show their zeal and their loyalty and their thanks to the King for his intention of taking the field. But when half after three arrived, only thirty members were present, and without forty (the number that makes a House) the address could not be presented. The sergeant was then sent out, with the authority of a press-warrant, to search for members, and by four o'clock he returned with just enough to make up forty, and the procession set off with the slowness of a funeral; for it was remarked it went slower than usual.

Such a circumstance in such a critical juncture of affairs, and on such an occasion, shows at least a great indifference toward the Government. It was like saying, you have brought us into a great deal of trouble, and we have no *personal* thanks to make to you. We have voted the address, as a customary matter of form, and we leave it to find its way to you as well as it can.

If the invasion succeed, I hope Bonaparte will remember that this war has not been pro-

voked by the people. It is altogether the act of the Government, without their consent or knowledge; and though the late peace appears to have been insiduous from the first, on the part of the Government, it was received by the people with a sincerity of joy.

There is yet, perhaps, one way, if it be not too late, to put an end to this burdensome state of things, and which threatens to be worse; which is, for the people, now they are embodied for their own protection, to instruct their representatives in Parliament to move for the fulfilment of the treaty of Amiens, for a treaty ought to be fulfilled. The present is an uncommon case, accompanied with uncommon circumstances, and it must be got over by means suited to the occasion.

What is Malta to them? The possession of it might serve to extend the patronage and influence of the Crown, on the appointment to new offices, and the part that would fall to the people would be to pay the expense. The more acquisitions the Government makes abroad, the more taxes the people have to pay at home. This has always been the case in England.

The non-fulfilment of a treaty ruins the honor of a government, and spreads a reproach over the character of a nation. But when a treaty of

peace is made with the concealed design of not fulfilling it, and war is declared for the avowed purpose of avoiding it, the case is still worse. The representative system does not put it in the power of an individual to declare war of his own will. It must be the act of the body of the representatives, for it is their constituents who are to pay the expense.

The state which the people of England are now in shows the extreme danger of trusting this power to the caprice of an individual, whatever title he may bear. In that country this power is assumed by what is called the Crown, for it is not constituted by any legal authority. It is a branch from the trunk of monarchical despotism.

By this impolitic declaration of war the Government of England has put everything to issue; and no wise general would commence an action he might avoid, where nothing is to be gained by gaining a battle, and everything is to be lost by losing it. An invasion and a revolution, which consequently includes that of Ireland, stand now on the same ground. What part the people may finally take in a contest pregnant with such an issue is yet to be known.

By the experiment of raising the country *in mass* the Government has put arms into the

hands of men whom they would have sent to Botany Bay but a few months before, had they found a pike in their possession. The honor of this project, which is copied from France, is claimed by Mr. Pitt; and no project of his has yet succeeded, in the end, except that of raising the taxes, and ruining the Bank. All his schemes in the Revolutionary War of France failed of success, and finished in discredit.

If Bonaparte is remarkable for an unexampled series of good fortune, Mr. Pitt is remarkable for a contrary fate, and his want of popularity with the people, whom he deserted and betrayed on the question of a reform of Parliament, sheds no beams of glory round his projects.

If the present eventful crisis, for an eventful one it is, should end in a revolution, the people of England have, within their glance, the benefit of experience both in theory and fact. This was not the case at first. The American Revolution began on untried ground. The representative system of government was then unknown in practise, and but little thought of in theory. The idea that man must be governed by effigy and show, and that superstitious reverence was necessary to establish authority, had so benumbed the

reasoning faculties of men, that some bold exertion was necessary to shock them into reflection. But the experiment has now been made. The practise of almost thirty years, the last twenty of which have been of peace, notwithstanding the wrong-headed, tumultuous Administration of John Adams, has proved the excellence of the representative system, and the NEW WORLD is now the preceptor of the OLD. The children are become the fathers of their progenitors.

With respect to the French Revolution, it was begun by good men and on good principles, and I have always believed it would have gone on so, had not the provocative interference of foreign powers, of which Pitt was the principal and vindictive agent, distracted it into madness, and sown jealousies among the leaders.

The people of England have now two revolutions before them. The one as an example; the other as a warning. Their own wisdom will direct them what to choose and what to avoid, and in everything which regards their happiness, combined with the common good of mankind, I wish them honor and success.

THOMAS PAINE.

New York, May, 1804.

LORD CHATHAM

Photogravure from the Original Painting

LORD CHATHAM

Photogravure from the Original Painting

CONSTITUTIONAL REFORM

To the Citizens of Pennsylvania on the Proposal for calling a Convention

AS I resided in the capital of your State, Philadelphia, in the *time that tried men's souls,* and all my political writings, during the Revolutionary War, were written in that city, it seems natural for me to look back to the place of my political and literary birth, and feel an interest for its happiness. Removed as I now am from the place, and detached from everything of personal party, I address this token to you on the ground of principle, and in remembrance of former times and friendships.

The subject now before you, is the call of a Convention, to examine, and, if necessary, to reform the Constitution of the State; or to speak in the correct language of constitutional order, to propose written articles of reform to be accepted or rejected by the people by vote, in the room of those now existing, that shall be judged improper or defective.

There cannot be, on the ground of reason, any objection to this; because if no reform or alteration is necessary, the sense of the country will

permit none to be made; and, *if necessary,* it *will* be made because it *ought* to be made. Until, therefore, the sense of the country can be collected, and made known by a convention elected for that purpose, all opposition to the call of a convention not only passes for nothing, but serves to create a suspicion that the opposers are conscious that the Constitution will not bear an examination.

The Constitution formed by the Convention of 1776, of which Benjamin Franklin (the greatest and most useful man America has yet produced), was president, had many good points in it which were overthrown by the Convention of 1790, under the pretense of making the Constitution conformable to that of the United States; as if the forms and periods of election for a territory extensive as that of the United States is could become a rule for a single state.

The principal defect in the Constitution of 1776 was, that it was subject, in practise, to too much precipitancy; but the ground work of that Constitution was good. The present Constitution appears to me to be clogged with inconsistencies of a hazardous tendency, as a supposed remedy against a precipitancy that might not happen. Investing any individual, by whatever

name or official title he may be called, with a negative over the formation of the laws, is copied from the English Government, without ever perceiving the inconsistency and absurdity of it, when applied to the representative system, or understanding the origin of it in England.

The present form of government in England and all those things called prerogatives of the Crown, of which this negative power is one, was established by conquest, not by compact. Their origin was the conquest of England by the Normans, under William of Normandy, surnamed the Conqueror, in 1066, and the genealogy of its kings takes its date from him. He is the first of the list.

There is no historical certainty of the time when parliaments began; but be the time when it may, they began by what are called grants or charters from the Norman Conqueror, or his successors, to certain towns, and to counties, to elect members to meet and serve in Parliament,* subject to his control; and the custom still continues with the King of England calling the Parliament *my Parliament;* that is, a Parliament originating from his authority, and over which he

*_Parliament_ is a French word, brought into England by the Normans. It comes from the French verb _parler_—to speak.

holds control in right of himself, derived from that conquest.

It is from this assumed right, derived from conquest, and not from any constitutional right by compact, that kings of England hold a negative over the formation of the laws; and they hold this for the purpose of preventing any being enacted that might abridge, invade, or in any way affect or diminish what they claim to be their hereditary or family rights and prerogatives, derived originally from the conquest of the country.* This is the origin of the King of England's negative. It is a badge of disgrace which *his* Parliaments are obliged to wear, and to which they are abject enough to submit.

But what has this case to do with a legislature chosen by freemen, on their own authority, in right of themselves? Or in what manner does a person styled Governor or Chief Magistrate resemble a conqueror subjugating a country, as William of Normandy subjugated England, and

*When a king of England (for they are not an English race of kings) negatives an act passed by the Parliament, he does it in the Norman or French language, which was the language of the Conquest, the literal translation of which is, *the king will advise himself of it.* It is the only instance of a king of England speaking French in Parliament; and shows the origin of the negative.

saying to it, *you shall have no laws but what I please?*

The negativing power in a country like America, is of that kind, that a wise man would not choose to be embarrassed with it, and a man fond of using it will be overthrown by it. It is not difficult to see that when Mr. M'Kean negatived the Arbitration Act, he was induced to it as a *lawyer,* for the benefit of the profession, and not as a *magistrate,* for the benefit of the people; for it is the office of a chief magistrate to compose differences and *prevent* lawsuits.

If the people choose to have arbitrations instead of lawsuits, why should they not have them? It is a matter that concerns them as individuals, and not as a state or community, and is not a proper case for a governor to interfere in, for it is not a state or government concern: nor does it concern the peace thereof, otherwise than to make it more peaceable by making it less contentious.

This negativing power in the hands of an individual ought to be constitutionally abolished. It is a dangerous power. There is no prescribing rules for the use of it. It is discretionary and arbitrary; and the will and temper of the person at any time possessing it, is its only rule. There

must have been great want of reflection in the Convention that admitted it into the Constitution. Would that Convention have put the Constitution it had formed (whether good or bad) in the power of any individual to negative? It would not. It would have treated such a proposal with disdain. Why then did it put the legislatures thereafter to be chosen, and all the laws, in that predicament?

Had that Convention, or the law members thereof, known the origin of the negativing power used by kings of England, from whence they copied it, they must have seen the inconsistency of introducing it into an American Constitution. We are not a conquered people; we know no conqueror; and the negativing power used by kings in England is for the defense of the personal and family prerogatives of the successors of the conqueror against the Parliament and the people. What is all this to us? We know no prerogatives but what belong to the sovereignty of ourselves.

At the time this Constitution was formed, there was a great departure from the principles of the Revolution, among those who then assumed the lead, and the country was grossly imposed upon. This accounts for some inconsistencies

that are to be found in the present Constitution, among which is the negativing power inconsistently copied from England. While the exercise of the power over the state remained dormant, it remained unnoticed; but the instant it began to be active it began to alarm; and the exercise of it against the rights of the people to settle their private pecuniary differences by the peaceable mode of arbitration, without the interference of lawyers, and the expense and tediousness of courts of law, has brought its existence to a crisis.

Arbitration is of more importance to society than courts of law, and ought to have precedence of them in all cases of pecuniary concerns between individuals or parties of them. Who are better qualified than merchants to settle disputes between merchants, or who better than farmers to settle disputes between farmers? And the same for every other description of men. What do lawyers or courts of law know of these matters? They devote themselves to forms rather than to principles, and the merits of the case become obscure and lost in a labyrinth of verbal perplexities. We do not hear of lawyers going to law with each other, though they could do it cheaper than other people, which shows they have no opinion of it for themselves.

The principle and rule of arbitration ought to be constitutionally established. The honest sense of a country collected in convention will find out how to do this without the interference of lawyers, who may be hired to advocate any side of any cause; for the case is, the practise of the bar is become a species of prostitution that ought to be controlled. It lives by encouraging the injustice it pretends to redress.

Courts in which law is practised are of two kinds. The one for criminal cases, the other for civil cases, or cases between individuals respecting property of any kind, or the value thereof. I know not what may be the numerical proportion of these two classes of cases to each other; but that the civil cases are far more numerous than the criminal cases, I make no doubt of. Whether they be ten, twenty, thirty, or forty to one, or more, I leave to those who live in the state, or in the several counties thereof, to determine.

But be the proportion what it may, the expense to the public of supporting a judiciary for both will be, in some relative degree, according to the number of cases the one bears to the other; yet it is only one of them that the public, as a public, have any concern with. The criminal

cases, being breaches of the peace, are consequently under the cognizance of the government of the state, and the expense of supporting the courts thereof belongs to the public, because the preservation of the peace is a public concern.

But civil cases, that is, cases of private property between individuals, belong wholly to the individuals themselves; and all that government has consistently to do in the matter, is to establish the process by which the parties concerned shall proceed and bring the matter to decision themselves, by referring it to impartial and judicious men of the neighborhood, of their own choosing. This is by far the most convenient, as to time and place, and the cheapest method to them; for it is bringing *justice home to their own doors,* without the chicanery of law and lawyers.

Every case ought to be determined on its own merits, without the farce of what are called precedents, or reports of cases; because, in the first place, it often happens that the decision upon the case brought as a precedent is bad, and ought to be shunned instead of imitated; and, in the second place, because there are no two cases perfectly alike in all their circumstances, and therefore the one cannot become a rule of decision for

the other. It is justice and good judgment that preside by right in a court of arbitration. It is forms, quoted precedents, and contrivances for delay and expense to the parties, that govern the proceedings of a court of law.

By establishing arbitrations in the room of courts of law for the adjustment of private cases, the public will be eased of a great part of the expense of the present judiciary establishment; for certainly such a host of judges, associate judges, presidents of circuits, clerks, and criers of courts, as are at present supported at the public expense, will not then be necessary. There are, perhaps, more of them than there are criminals to try in the space of a year.

Arbitration will lessen the sphere of patronage, and it is not improbable that this was one of the private reasons for negativing the arbitration act; but public economy, and the convenience and ease of the individuals, ought to have outweighed all such considerations. The present Administration of the United States has struck off a long list of useless officers, and economized the public expenditure, and it is better to make a precedent of this, than to imitate its forms and long periods of election, which require reform themselves.

A great part of the people of Pennsylvania make a principle of not going to law, and others avoid it from prudential reasons; yet all those people are taxed to support a judiciary to which they never resort, which is as inconsistent and unjust as it is in England to make the Quakers pay tithes to support the Episcopal Church. Arbitration will put an end to this imposition.

Another complaint against the Constitution of Pennsylvania, is the great quantity of patronage annexed to the office of governor.

Patronage has a natural tendency to increase the public expense, by the temptation it leads to (unless in the hands of a wise man like Franklin) to multiply offices within the gift or appointment of that patronage. John Adams, in his Administration, went upon the plan of increasing offices and officers. He expected by thus increasing his patronage, and making numerous appointments, that he should attach a numerous train of adherents to him who would support his measures and his future election.

He copied this from the corrupt system of England; and he closed his midnight labors by appointing sixteen new unnecessary judges, at an expense to the public of $32,000 annually. John counted only on one side of the

case. He forgot that where there was *one* man to be benefited by an appointment, all the rest had to pay the cost of it; and that by attaching *the one* to him by patronage, he ran the risk of losing *the many* by disgust. And such was the consequence; and such will ever be the consequence in a free country, where men reason *for* themselves and *from* themselves, and not from the dictates of others.

The less quantity of patronage a man is *incumbered* with the safer he stands. He cannot please everybody by the use of it; and he will have to refuse, and consequently to displease, a greater number than he can please. Mr. Jefferson gained more friends by dismissing a long train of officers, than John Adams did by appointing them. Like a wise man, Mr. Jefferson dismantled himself of patronage.

The Constitution of New York, though like all the rest it has its defects, arising from want of experience in the representative system of government at the time it was formed, has provided much better, in this case, than the Constitution of Pennsylvania has done.

The appointments in New York are made by a *Council of Appointment,* composed of the Governor and a certain number of members of the

Senate, taken from different parts of the State. By this means they have among them a personal knowledge of whomsoever they appoint. The Governor has one vote, but no negative. I do not hear complaints of the abuse of this kind of patronage.

The Constitution of Pennsylvania, instead of being an improvement in the representative system of government, is a departure from the principles of it. It is a copy in minature of the Government of England, established at the conquest of that country by William of Normandy. I have shown this in part in the case of the king's negative, and I shall show it more fully as I go on. This brings me to speak of the Senate.

The complaint respecting the Senate is the length of its duration, being four years. The sage Franklin has said, "Where annual election ends, tyranny begins"; and no man was a better judge of human nature than Franklin, nor has any man in our time exceeded him in the principles of honor and honesty.

When a man ceases to be accountable to those who elected him, and with whose public affairs he is intrusted, he ceases to be their representative, and is put in a condition of being their despot. He becomes the representative of nobody but

himself. *I am elected,* says he, *for four years; you cannot turn me out, neither am I responsible to you in the meantime. All that you have to do with me is to pay me.*

The conduct of the Pennsylvania Senate in 1800, respecting the choice of electors for the Presidency of the United States, shows the impropriety and danger of such an establishment. The manner of choosing electors ought to be fixed in the Constitution, and not be left to the caprice of contention. It is a matter equally as important, and concerns the rights and interests of the people as much as the election of members for the State Legislature, and in some instances much more.

By the conduct of the Senate at that time, the people were deprived of their right of suffrage, and the State lost its consequence in the Union. It had but one vote. The other fourteen were paired off by compromise—seven and seven. If the people had chosen the electors, which they had a right to do, for the electors were to represent *them* and not to represent the Senate, the State would have had fifteen votes which would have counted.

The Senate is an imitation of what is called the House of Lords in England, and which

Chesterfield, who was a member of it, and therefore knew it, calls *"the Hospital of Incurables."* The Senate in Pennsylvania is not quite a hospital of incurables, but it took almost four years to bring it to a *state of convalescence.*

Before we imitate anything, we ought to examine whether it be worth imitating, and had this been done by the Convention at that time, they would have seen that the model from which their mimic imitation was made, was no better than unprofitable and disgraceful lumber.

There was no such thing in England as what is called the House of Lords until the conquest of that country by the Normans, under William the Conqueror, and like the king's negative over the laws, it is a badge of disgrace upon the country; for it is the effect and evidence of its having been reduced to unconditional submission.

William, having made the conquest, dispossessed the owners of their lands, and divided those lands among the chiefs of the plundering army he brought with him, and from hence arose what is called the *House of Lords.* Daniel de Foe, in his historical satire entitled "The Trueborn Englishman," has very concisely given the origin and character of this House, as follows:

The great invading Norman let them know
What conquerors, in after times, might do;
To every musketeer he brought to town,
He gave the lands that never were his own—
He cantoned out the country to his men,
And every soldier was a denizen;
No parliament his army could disband.
He raised no money, for he paid in land;
The rascals, thus enriched, he called them *Lords*.
To please their upstart pride with new made words,
And Domesday Book his tyranny records;
Some show the sword, the bow, and some the spear,
Which their great ancestor, forsooth, did wear;
But who the hero was, no man can tell,
Whether a colonel or a corporal;
The silent record blushes to reveal
Their undescended dark original;
Great ancestors of yesterday they show,
And Lords whose fathers were—*the Lord knows who?*

This is the disgraceful origin of what is called the House of Lords in England, and it still retains some tokens of the plundering baseness of its origin. The swindler Dundas was lately made a lord, and is now called *noble lord!* Why do they not give him his proper title, and call him *noble swindler,* for he swindled by wholesale. But it is probable he will escape punishment; for Blackstone, in his commentary on the laws, recites an act of Parliament, passed in 1550, and not since repealed, that extends what is called

the benefit of clergy, that is, exemption from punishment for all clerical offenses, to all lords and peers of the realm who could not read, as well as those who could, and also for "the crimes of *house-breaking, highway-robbing, horse-stealing, and robbing of churches.*"

This is consistent with the original establishment of the House of Lords, for it was originally composed of robbers. This is aristocracy. This is one of the pillars of John Adams' "stupendous fabric of human invention." A privilege for house-breaking, highway-robbing, horse-stealing, and robbing of churches! John Adams knew but little of the origin and practise of the Government of England. As to constitution, it has none.

The Pennsylvania Convention of 1776 copied nothing from the English Government. It formed a Constitution on the basis of honesty. The defect as I have already said, of that Constitution was the precipitancy to which the legislatures might be subject in enacting laws. All the members of the Legislature established by that Constitution sat in one chamber, and debated in one body, and this subjected them to precipitancy. This precipitancy was provided against, but not effectually.

The Constitution ordered that the laws, before being finally enacted, should be published for public consideration. But as no given time was fixed for that consideration, nor any means for collecting its effects, nor were there then any public newspapers in the State but what were printed in Philadelphia, the provision did not reach the intention of it, and thus a good and wise intention sank into mere form, which is generally the case when the means are not adequate to the end.

The ground-work, however, of that Constitution was good, and deserves to be resorted to. Everything that Franklin was concerned in producing merits attention. He was the wise and benevolent friend of man. Riches and honors made no alternation in his principles or his manners.

The Constitution of 1776 was conformable to the Declaration of Independence and the Declaration of Rights, which the present Constitution is not; for it makes artificial distinctions among men in the right of suffrage, which the principles of equity know nothing of; neither is it consistent with sound policy. We every day see the rich becoming poor, and those who were poor before, becoming rich. Riches, therefore, hav-

ing no stability, cannot and ought not to be made a criterion of right. Man is man in every condition of life, and the varieties of fortune and misfortune are open to all.

Had the number of representatives in the Legislature established by that Constitution been increased, and instead of their sitting together in one chamber, and debating and voting all at one time, been divided by lot into two equal parts, and sat in separate chambers, the advantage would have been, that one-half, by not being entangled in the first debate, nor having committed itself by voting, would be silently possessed of the arguments, for and against, of the former part, and be in a calm condition to review the whole.

And instead of one chamber, or one house, or by whatever name they may be called, negativing the vote of the other, which is now the case, and which admits of inconsistencies even to absurdities, to have added the votes of both chambers together, and the majority of the whole to be the final decision—there would be reason in this, but there is none in the present mode. The instance that occurred in the Pennsylvania Senate, in the year 1800, on the bill for choosing electors, where a small majority in that House

controlled and negatived a large majority in the other House, shows the absurdity of such a division of legislative power.

To know if any theory or position be true or rational, in practise, the method is, to carry it to its greatest extent; if it be not true upon the whole, or be absurd, it is so in all its parts, however small. For instance, if one house consists of 200 members and the other 50, which is about the proportion they are in some of the states, and if a proposed law be carried on the affirmative in the larger house with only one dissenting voice, and be negatived in the smaller house by a majority of 1, the event will be, that 27 control and govern 223, which is too absurd even for argument, and totally inconsistent with the principles of representative government, which know no difference in the value and importance of its members but what arises from their virtues and talents, and not at all from the name of the house or chamber they sit in.

As the practice of a smaller number negativing a greater is not founded in reason, we must look for its origin in some other cause.

The Americans have copied it from England, and it was brought into England by the Norman Conqueror, and is derived from the ancient

French practise of voting by ORDERS, of which they counted three; *the Clergy* (that is, Roman Catholic clergy), the *Noblesse* (those who had titles), and the *Tiers Ètat,* or Third Estate,* which included all who were not of the two former orders, and which in England are called the *Commons* or *common people,* and the house in which they are represented is from thence called the *House of Commons.*

The case with the Conqueror was, in order to complete and secure the conquest he had made, and hold the country in subjection, he cantoned it out among the chiefs of his army, to whom he gave castles, and whom he dubbed with the title of *Lords,* as is before shown. These being dependent on the Conqueror, and having a united interest with him, became the defenders of his measures, and the guardians of his assumed prerogative against the people; and when the house called the *Common House of Parliament* began by grants and charters from the Conqueror and his successors, these lords, claiming to be a distinct ORDER from the Commons, though smaller

*The practise of voting by *orders* in France, whenever the States-General met, continued until the late Revolution. It was the present Abbé Sieyès who made the motion, in what was afterward called the National Assembly, for abolishing the vote by *orders,* and established the rational practise of deciding by a majority of numbers.

in number, held a controlling or negative vote over them, and from hence arose the irrational practise of a smaller number negativing a greater.

But what are these things to us, or why should we imitate them? We have but one ORDER in America, and that of the highest degree, the ORDER OF SOVEREIGNTY, and of this ORDER every citizen is a member of his own personal right. Why then have we descended to the base imitation of inferior things? By the event of the Revolution we were put in a condition of thinking originally. The history of past ages shows scarcely anything to us but instances of tyranny and antiquated absurdities. We have copied some of them, and experienced the folly of them.

Another subject of complaint in Pennsylvania is the judiciary, and this appears to require a thorough reform. Arbitration will of itself reform a great part, but much will remain to require amendment. The courts of law still continue to go on, as to practise, in the same manner as when the State was a British colony. They have not yet arrived at the dignity of independence. They hobble along by the stilts and crutches of English and antiquated precedents. Their pleadings are made up of cases and reports

from English law books; many of which are tyrannical, and all of them now foreign to us.

Our courts require to be domesticated, for as they are at present conducted, they are a dishonor to the national sovereignty. Every case in America ought to be determined on its own merits, according to American laws, and all reference to foreign adjudications prohibited. The introduction of them into American courts serves only to waste time, embarrass causes, and perplex juries. This reform alone will reduce cases to a narrow compass easily understood.

The terms used in courts of law, in sheriffs' sales, and on several other occasions, in writs, and other legal proceedings, require reform. Many of those terms are Latin, and others French. The Latin terms were brought into Britain by the Romans, who spoke Latin, and who continued in Britain between 400 and 500 years, from the first invasion of it by Julius Cæsar, fifty-two years before the Christian era. The French terms were brought by the Normans when they conquered England in 1066, as I have before shown, and whose language was French.

These terms being still used in English law courts, show the origin of those courts, and are evidence of the country having been under for-

eign jurisdiction. But they serve to *mystify,* by not being generally understood, and therefore they serve the purpose of what is called law, whose business is to perplex; and the courts in England put up with the disgrace of recording foreign jurisdiction and foreign conquest, for the sake of using terms which the clients and the public do not understand, and from thence to create the false belief that law is a learned science, and lawyers are learned men.

The English pleaders, in order to keep up the farce of the profession, always compliment each other, though in contradiction, with the title of *my learned brother.* Two farmers or two merchants will settle cases by arbitration which lawyers cannot settle by law. Where then is the learning of the law, or what is it good for?

It is here necessary to distinguish between *lawyer's law,* and *legislative law.* Legislative law is the law of the land, enacted by our own legislators, chosen by the people for that purpose. Lawyer's law is a mass of opinions and decisions, many of them contradictory to each other, which courts and lawyers have instituted themselves, and is chiefly made up of law-reports of cases taken from English law books. The case of every man ought to be tried by the laws of his

own country, which he knows, and not by opinions and authorities from other countries, of which he may know nothing. A lawyer, in pleading, will talk several hours about law, but it is *lawyer's law,* and not *legislative law,* that he means.

The whole of the judiciary needs reform. It is very loosely appointed in most of the states, and also in the general government. The case, I suppose, has been, that the judiciary department in a constitution has been left to the lawyers, who might be in a convention, to form, and they have taken care to leave it loose. To say, that a judge shall hold his office during *good behavior,* is saying nothing; for the term *good behavior* has neither a legal nor a moral definition.

In the common acceptation of the term, it refers rather to a style of manners than to principles, and may be applied to signify different and contradictory things. A child of good behavior, a judge of good behavior, a soldier of good behavior in the field, and a dancing-master of good behavior in his school, cannot be [of] the same good behavior. What then is the good behavior of a judge?

Many circumstances in the conduct and char-

acter of a man may render him unfit to hold the office of a judge, yet not amount to cause of impeachment, which always supposes the commission of some known crime. Judges ought to be held to their duty by continual responsibility, instead of which the Constitution releases them from all responsibility, except by impeachment, from which, by the loose, undefined establishment of the judiciary, there is always a hole to creep out. In annual elections for legislators, every legislator is responsible every year, and no good reason can be given why those intrusted with the execution of the laws should not be as responsible, at stated periods, as those intrusted with the power of enacting them.

Releasing the judges from responsibility, is in imitation of an act of the English Parliament, for rendering the judges so far independent of what is called the Crown, as not to be removable by it. The case is, that judges in England are appointed by the Crown, and are paid out of the King's civil list, as being his representatives when sitting in court; and in all prosecutions for treason and criminal offenses, the King is the prosecutor.

It was therefore reasonable that the judge, before whom a man was to be tried, should not

be dependent, for the tenure of his office, on the will of the prosecutor. But this is no reason that in a government founded on the representative system a judge should not be responsible, and also removable by some constitutional mode, without the tedious and expensive formality of impeachment. We remove or turn out presidents, governors, senators, and representatives, without this formality. Why then are judges, who are generally lawyers, privileged with duration? It is, I suppose, because lawyers have had the formation of the judiciary part of the Constitution.

The term, "contempt of court," which has caused some agitation in Pennsylvania, is also copied from England; and in that country it means *contempt of the King's authority or prerogative in court,* because the judges appear there as his representatives, and are styled in their commissions, when they open a court, "His Majesty the King's Justices."

This now undefined thing, called *contempt of court,* is derived from the Norman Conquest of England, as is shown by the French words used in England, with which proclamation for silence, "on pain of imprisonment," begins, "Oyez, Oyez,

Oyez."* This shows it to be of Norman origin. It is, however, a species of despotism; for contempt of court is now anything a court imperiously pleases to call so, and then it inflicts punishment as by prerogative without trial, as in Passmore's case, which has a good deal agitated the public mind. This practise requires to be constitutionally regulated, but not by lawyers.

Much yet remains to be done in the improvement of constitutions. The Pennsylvania Convention, when it meets, will be possessed of advantages which those that preceded it were not. The ensuing Convention will have two constitutions before them; that of 1776, and that of 1790, each of which continued about fourteen years. I know no material objection against the Constitution of 1776, except that in practise it might be subject to precipitancy; but this can be easily and effectually remedied, as the annexed essay, respecting "Constitutions, Governments, and Charters," will show. But there have been many and great objections and complaints against the present Constitution and the practise upon it, arising from the improper and unequal distribution it makes of power.

The circumstance that occurred in the Penn-

*Hear ye, hear ye, hear ye.

sylvania Senate in the year 1800, on the bill passed by the House of Representatives for choosing electors, justifies Franklin's opinion, which he gave by request of the Convention of 1776, of which he was president, respecting the propriety or impropriety of two houses negativing each other. "It appears to me," said he, "like putting one horse before a cart and the other behind it, and whipping them both. If the horses are of equal strength, the wheels of the cart, like the wheels of government, will stand still; and if the horses are strong enough, the cart will be torn to pieces."

It was only the moderation and good sense of the country, which did not engage in the dispute raised by the Senate, that prevented Pennsylvania from being torn to pieces by commotion.

Inequality of rights has been the cause of all the disturbances, insurrections, and civil wars, that ever happened in any country, in any age of mankind. It was the cause of the American Revolution, when the English Parliament sat itself up *to bind America in all cases whatsoever*, and to reduce her to unconditional submission. It was the cause of the French Revolution; and also of the civil wars in England, in the time of

Charles and Cromwell, when the House of Commons voted the House of Lords useless.

The fundamental principle in representative government is, that *the majority governs;* and as it will be always happening that a man may be in the minority on one question, and in the majority on another, he obeys by the same principle that he rules. But when there are two houses of unequal numbers, and the smaller number negativing the greater, it is the minority that governs, which is contrary to the principle. This was the case in Pennsylvania in 1800.

America has the high honor and happiness of being the first nation that gave to the world the example of forming written constitutions by conventions elected expressly for the purpose, and of improving them by the same procedure, as time and experience shall show necessary. Government in other nations, vainly calling themselves civilized, has been established by bloodshed. Not a drop of blood has been shed in the United States in consequence of establishing constitutions and governments by her own peaceful system. The silent vote, or the simple *yea* or *nay,* is more powerful than the bayonet, and decides the strength of numbers without a blow.

I have now, citizens of Pennsylvania, presented you, in good will, with a collection of thoughts and historical references, condensed into a small compass, that they may circulate the more conveniently. They are applicable to the subject before you, that of calling a convention, in the progress and completion of which I wish you success and happiness, and the honor of showing a profitable example to the states around you, and to the world.

Yours, in friendship,

THOMAS PAINE.

New Rochelle, N.Y., August, 1805.

CONSTITUTIONS, GOVERNMENTS, AND CHARTERS

THE people of Pennsylvania are, at this time, earnestly occupied on the subject of calling a convention to revise their State Constitution, and there can be but little doubt that a revision is necessary. It is a Constitution, they say, for the emolument of lawyers.

It has happened that the constitutions of all the states were formed before any experience had been had on the representative system of government; and it would be a miracle in human affairs that mere theory without experience should start into perfection at once. The Constitution of New York was formed so early as the year 1777.

The subject that occupied and engrossed the mind of the public at that time was the Revolutionary War, and the establishment of independence, and in order to give effect to the Declaration of Independence by Congress it was necessary that the states severally should make a practical beginning by establishing state constitutions, and trust to time and experience for improvement. The general defect in all the constitutions is that they are modeled too much after the system, if it

can be called a system, of the English Government, which in practise is the most corrupt system in existence, for it is corruption systematized.

An idea also generally prevailed at that time of keeping what were called the legislative, the executive, and the judicial powers distinct and separated from each other. But this idea, whether correct or not, is always contradicted in practise; for where the consent of a governor, or executive, is required to an act before it can become a law, or where he can by his negative prevent an act of the legislature becoming a law, he is effectually a part of the legislature, and possesses full one-half of the powers of a whole legislature.

In this State (New York) this power is vested in a select body of men, composed of the executive, by which is to be understood the governor, the chancellor, and the judges, and called the Council of Revision. This is certainly better than vesting that power in an individual, if it is necessary to invest it anywhere; but is a direct contradiction to the maxim set up, that those powers ought to be kept separate; for here the executive and the judiciary are united into one power, acting legislatively.

When we see maxims that fail in practise, we

ought to go to the root, and see if the maxim be true. Now it does not signify how many nominal divisions, and sub-divisions, and classifications we make, for the fact is, *there are but two powers in any government, the power of willing or enacting the laws, and the power of executing them;* for what is called the *judiciary* is a branch of executive power; it executes the laws; and what is called the *executive* is a superintending power to see that the laws are executed.

Errors in theory are, sooner or later, accompanied with errors in practise; and this leads me to another part of the subject, that of considering a constitution and a government relatively to each other.

A constitution is the act of the people in their original character of sovereignty. A government is a creature of the constitution; it is produced and brought into existence by it. A constitution defines and limits the powers of the government it creates. It therefore follows, as a natural and also a logical result, that the governmental exercise of any power not authorized by the constitution is an assumed power, and therefore illegal.

There is no article in the Constitution of this State, nor of any of the states, that invests the

Government in whole or in part with the power of granting charters or monopolies of any kind; the spirit of the times was then against all such speculation; and therefore the assuming to grant them is unconstitutional, and when obtained by bribery and corruption is criminal. It is also contrary to the intention and principle of annual elections.

Legislatures are elected annually, not only for the purpose of giving the people, in their elective character, the opportunity of showing their approbation of those who have acted right, by re-electing them, and rejecting those who have acted wrong; but also for the purpose of correcting the wrong (where any wrong has been done) of a former legislature. But the very intention, essence, and principle of annual election would be destroyed, if any one legislature, during the year of its authority, had the power to place any of its acts beyond the reach of succeeding legislatures; yet this is always attempted to be done in those acts of a legislature called charters.

Of what use is it to dismiss legislators for having done wrong, if the wrong is to continue on the authority of those who did it? Thus much

for things that are wrong. I now come to speak of things that are right, and may be necessary.

Experience shows that matters will occasionally arise, especially in a new country, that will require the exercise of a power differently constituted to that of ordinary legislation; and therefore there ought to be in a constitution an article, defining how that power shall be constituted and exercised. Perhaps the simplest method, that which I am going to mention, is the best; because it is still keeping strictly within the limits of annual elections, makes no new appointments necessary, and creates no additional expense. For example,

That all matters of a different quality to matters of ordinary legislation, such, for instance, as sales or grants of public lands, acts of incorporation, public contracts with individuals or companies beyond a certain amount, shall be proposed in one legislature, and published in the form of a bill, with the yeas and nays, after the second reading, and in that state shall lie over to be taken up by the succeeding legislature; that is, there shall always be, on all such matters, one annual election [which] takes place between the time of bringing in the bill and the time of enacting it into a permanent law.

It is the rapidity with which a self-interested speculation, or a fraud on the public property, can be carried through within the short space of one session, and before the people can be apprised of it, that renders it necessary that a precaution of this kind, unless a better can be devised, should be made an article of the Constitution.

Had such an article been originally in the Constitution, the bribery and corruption employed to seduce and manage the members of the late Legislature, in the affair of the Merchants' Bank, could not have taken place. It would not have been worth while to bribe men to do what they had not the power of doing. That Legislature could only have proposed, but not have enacted the law; and the election then ensuing would, by discarding the proposers, have negatived the proposal without any further trouble.

This method has the appearance of doubling the value and importance of annual elections. It is only by means of elections, that the mind of the public can be collected to a point on any important subject; and as it is always the interest of a much greater number of people in a country, to have a thing right than to have it

wrong, the public sentiment is always worth attending to. It may sometimes err, but never intentionally, and never long.

The experiment of the Merchants' Bank shows it is impossible to bribe a small body of men, but it is always *impossible* to bribe a whole nation; and therefore in all legislative matters that by requiring permanency differ from acts of ordinary legislation, which are alterable or repealable at all times, it is safest that they pass through two legislatures, and a general election intervene between. The elections will always bring up the mind of the country on any important proposed bill; and thus the whole state will be its own *Council of Revision.* It has already passed its *veto* on the Merchants' Bank bill, notwithstanding the *minor* Council of Revision approved it.

COMMON SENSE.

New Rochelle, June 21, 1805.

THE CAUSE OF THE YELLOW FEVER

AND THE MEANS OF PREVENTING IT IN PLACES NOT YET INFECTED WITH IT

Addressed to the Board of Health in America

A GREAT deal has been written respecting the yellow fever. First, with respect to its causes, whether domestic or imported. Secondly, on the mode of treating it.

What I am going to suggest in this essay is, to ascertain some point to begin at, in order to arrive at the cause, and for this purpose some preliminary observations are necessary.

The yellow fever always begins in the lowest part of a populous mercantile town near the water, and continues there, without affecting the higher parts. The sphere or circuit it acts in is small, and it rages most where large quantities of new ground have been made by banking out the river, for the purpose of making wharfs.

The appearance and prevalence of the yellow fever in these places, being those where vessels arrive from the West Indies, has caused the belief that the yellow fever was imported from thence; but here are two cases acting in the same

place: the one, the condition of the ground at the wharves, which being new made on the muddy and filthy bottom of the river, is different from the natural condition of the ground in the higher parts of the city, and consequently subject to produce a different kind of effluvia or vapor; the other case is the arrival of vessels from the West Indies.

In the State of Jersey neither of these cases has taken place; no shipping arrive there, and consequently there have been no embankments for the purpose of wharfs; and the yellow fever has never broke out in Jersey. This, however, does not decide the point, as to the immediate cause of the fever, but it shows that this species of fever is not common to the country in its natural state; and, I believe the same was the case in the West Indies before embankments began for the purpose of making wharfs, which always alter the natural condition of the ground. No old history, that I know of, mentions such a disorder as the yellow fever.

A person seized with the yellow fever in an affected part of the town, and brought into the healthy part, or into the country, and among healthy persons, does not communicate it to the neighborhood, or to those immediately around

him; why then are we to suppose it can be brought from the West Indies, a distance of more than a thousand miles, since we see it cannot be carried from one town to another, nor from one part of a town to another, at home? Is it in the air?

This question on the case requires a minute examination. In the first place, the difference between air and wind is the same as between a stream of water and a standing water. A stream of water is water in motion, and wind is air in motion. In a gentle breeze the whole body of air, as far as the breeze extends, moves at the rate of seven or eight miles an hour; in a high wind, at the rate of seventy, eighty or an hundred miles an hour: when we see the shadow of a cloud gliding on the surface of the ground, we see the rate at which the air moves, and it must be a good trotting horse that can keep pace with the shadow, even in a gentle breeze; consequently, a body of air that is in and over any place of the same extent as the affected part of a city may be, will, in the space of an hour, even at the moderate rate I speak of, be moved seven or eight miles to leeward; and its place, in and over the city, will be supplied by a new body of air coming from a healthy part, seven or eight miles distant

the contrary way; and then on in continual succession.

The disorder, therefore, is not in the air, considered in its natural state, and never stationary. This leads to another consideration of the case.

An impure effluvia, arising from some cause in the ground, in the manner that fermenting liquors produce near their surface an effluvia that is fatal to life, will become mixed with the air contiguous to it, and as fast as that body of air moves off it will impregnate every succeeding body of air, however pure it may be when it arrives at the place.

The result from this state of the case is, that the impure air, or vapor, that generates the yellow fever, issues from the earth, that is, from the new made earth, or ground raised on the muddy and filthy bottom of the river; and which impregnates every fresh body of air that comes over the place, in like manner as air becomes heated when it approaches or passes over fire, or becomes offensive in smell when it approaches or passes over a body of corrupt vegetable or animal matter in a state of putrefaction.

The muddy bottom of rivers contains great quantities of impure and often inflammable air (carbureted hydrogen gas), injurious to life;

and which remains entangled in the mud till let loose from thence by some accident. This air is produced by the dissolution and decomposition of any combustible matter falling into the water and sinking into the mud, of which the following circumstance will serve to give some explanation.

In the fall of the year that New York was evacuated (1783), General Washington had his headquarters at Mrs. Berrian's, at Rocky Hill, in Jersey, and I was there; the Congress then sat at Prince Town. We had several times been told that the river or creek, that runs near the bottom of Rocky Hill, and over which there is a mill, might be set on fire, for that was the term the country people used; and as General Washington had a mind to try the experiment, General Lincoln, who was also there, undertook to make preparation for it against the next evening, November fifth. This was to be done, as we were told, by disturbing the mud at the bottom of the river, and holding something in a blaze, as paper or straw, a little above the surface of the water.

Colonels Humphreys and Cobb were at that time aides-de-camp of General Washington, and those two gentlemen and myself got into an argument respecting the cause. Their opinion was

that, on disturbing the bottom of the river, some bituminous matter arose to the surface, which took fire when the light was put to it; I, on the contrary, supposed that a quantity of inflammable air was let loose, which ascended through the water, and took fire above the surface. Each party held to his opinion, and the next evening the experiment was to be made.

A scow had been stationed in the mill dam, and General Washington, General Lincoln and myself, and I believe Colonel Cobb (for Humphreys was sick), and three or four soldiers with poles, were put on board the scow. General Washington placed himself at one end of the scow, and I at the other; each of us had a roll of cartridge paper, which we lighted and held over the water, about two or three inches from the surface, when the soldiers began disturbing the bottom of the river with the poles.

As General Washington sat at one end of the scow, and I at the other, I could see better anything that might happen from his light than I could from my own, over which I was nearly perpendicular. When the mud at the bottom was disturbed by the poles, the air bubbles rose fast, and I saw the fire take from General Washington's light and descend from thence to the

surface of the water, in a similar manner as when a lighted candle is held so as to touch the smoke of a candle just blown out, the smoke will take fire, and the fire will descend and light up the candle. This was demonstrative evidence that what was called setting the river on fire was setting on fire the inflammable air that arose out of the mud.

I mentioned this experiment to Mr. Rittenhouse of Philadelphia, the next time I went to that city, and our opinion on the case was, that the air or vapor that issued from any combustible matter (vegetable or otherwise), that underwent a dissolution and decomposition of its parts, either by fire or water in a confined place, so as not to blaze, would be inflammable, and would become flame whenever it came in contact with flame.

In order to determine if this was the case, we filled up the breech of a gun barrel about five or six inches with sawdust, and the proper part with dry sand to the top, and after spiking up the touch-hole, put the breech into a smith's furnace and kept it red hot, so as to consume the sawdust; the sand of consequence would prevent any blaze.

We applied a lighted candle to the mouth

of the barrel; as the first vapor that flew off would be humid, it extinguished the candle; but after applying the candle three or four times, the vapor that issued out began to flash; we then tied a bladder over the mouth of the barrel, which the vapor soon filled, and then tying a string round the neck of the bladder, above the muzzle, took the bladder off.

As we could not conveniently make experiments upon the vapor while it was in the bladder, the next operation was to get it into a phial. For this purpose, we took a phial of about three or four ounces, filled it with water, put a cork slightly into it, and introducing it into the neck of the bladder, worked the cork out, by getting hold of it through the bladder, into which the water then emptied itself, and the air in the bladder ascended into the phial; we then put the cork into the phial, and took it from the bladder. It was now in a convenient condition for experiment.

We put a lighted match into the phial, and the air or vapor in it blazed up in the manner of a chimney on fire; we extinguished it two or three times, by stopping the mouth of the phial; and putting the lighted match to it again it repeatedly took fire, till the vapor was spent,

and the phial became filled with atmospheric air. These two experiments, that in which some combustible substance (branches and leaves of trees) had been decomposed by water, in the mud; and this, where the decomposition had been produced by fire, without blazing, shows that a species of air injurious to life, when taken into the lungs, may be generated from substances which, in themselves, are harmless.

It is by means similar to these that charcoal, which is made by fire without blazing, emits a vapor destructive to life. I now come to apply these cases, and the reasoning deduced therefrom, to account for the cause of the yellow fever.*

First.—The yellow fever is not a disorder produced by the climate naturally, or it would always have been here in the hot months. The climate is the same now as it was fifty or a hundred years ago; there was no yellow fever then, and it is only within the last twelve years, that such a disorder has been known in America.

Secondly.—The low grounds on the shores of the rivers, at the cities, where the yellow fever

*The author does not mean to infer that the inflammable air or carbureted hydrogen gas, is the cause of the yellow fever; but that perhaps it enters into some combination with miasm generated in low grounds, which produces the disease.

is annually generated, and continues about three months without spreading, were not subject to that disorder in their natural state, or the Indians would have forsaken them; whereas, they were the parts most frequented by the Indians in all seasons of the year, on account of fishing. The result from these cases is, that the yellow fever is produced by some new circumstance not common to the country in its natural state, and the question is, what is that new circumstance?

It may be said, that everything done by the white people, since their settlement in the country, such as building towns, clearing lands, leveling hills, and filling valleys, is a new circumstance; but the yellow fever does not accompany any of these new circumstances. No alteration made on the dry land produces the yellow fever; we must therefore look to some other new circumstances, and we now come to those that have taken place between wet and dry, between land and water.

The shores of the rivers at New York, and also at Philadelphia, have on account of the vast increase of commerce, and for the sake of making wharfs, undergone great and rapid alterations from their natural state within a few years; and it is only in such parts of the shores where

those alterations have taken place that the yellow fever has been produced. The parts where little or no alteration has been made, either on the East or North River, and which continue in their natural state, or nearly so, do not produce the yellow fever. The fact therefore points to the cause.

Besides several new streets gained from the river by embankment, there are upwards of eighty new wharfs made since the war, and the much greater part within the last ten or twelve years; the consequence of which has been that great quantities of filth or combustible matter deposited in the muddy bottom of the river contiguous to the shore, and which produced no ill effect while exposed to the air, and washed twice every twenty-four hours by the tide water, have been covered over several feet deep with new earth, and pent up, and the tide excluded. It is in these places, and in these only, that the yellow fever is produced.

Having thus shown, from the circumstances of the case, that the cause of the yellow fever is in the place where it makes its appearance, or rather, in the pernicious vapor issuing therefrom, I go to show a method of constructing wharfs, where wharfs are yet to be constructed (as on the

shore on the East River at Corlder's Hook, and also on the North River) that will not occasion the yellow fever, and which may also point out a method of removing it from places already infected with it.

Instead, then, of embanking out the river and raising solid wharfs of earth on the mud bottom of the shore, the better method would be to construct wharfs on arches, built of stone; the tide will then flow in under the arch, by which means the shore, and the muddy bottom, will be washed and kept clean, as if they were in their natural state, without wharfs.

When wharfs are constructed on the shore lengthways, that is without cutting the shore up into slips, arches can easily be turned, because arches joining each other lengthways serve as butments to each other; but when the shore is cut up into slips there can be no butments; in this case wharfs can be formed on stone pillars, or wooden piles planked over on the top.

In either of these cases, the space underneath will be commodious shelter or harbor for small boats, which can come in and go out always, except at low water, and be secure from storms and injuries. This method besides preventing the cause of the yellow fever, which I think it will,

will render the wharfs more productive than the present method, because of the space preserved within the wharf.

I offer no calculation of the expense of constructing wharfs on arches or piles; but on a general view, I believe they will not be so expensive as the present method. A very great part of the expense of making solid wharfs of earth is occasioned by the carriage of materials, which will be greatly reduced by the methods here proposed, and still more so were the arches to be constructed of cast iron blocks. I suppose that one ton of cast iron blocks would go as far in the construction of an arch as twenty tons of stone.

If, by constructing wharfs in such a manner that the tide water can wash the shore and bottom of the river contiguous to the shore, as they are washed in their natural condition, the yellow fever can be prevented from generating in places where wharfs are yet to be constructed, it may point out a method of removing it, at least by degrees, from places already infected with it; which will be by opening the wharfs in two or three places in each, and letting the tide water pass through; the parts opened can be planked over, so as not to prevent the use of the wharf.

In taking up and treating this subject, I have considered it as belonging to natural philosophy, rather than medicinal art; and therefore I say nothing about the treatment of the disease, after it takes place; I leave that part to those whose profession it is to study it.

THOMAS PAINE.

New York, June 27, 1806.

LIBERTY OF THE PRESS

THE writer of this remembers a remark made to him by Mr. Jefferson concerning the English newspapers, which at that time, 1787, while Mr. Jefferson was Minister at Paris, were most vulgarly abusive. The remark applies with equal force to the Federal papers of America. The remark was, that "the licentiousness of the press produces the same effect as the restraint of the press was intended to do if the restraint was to prevent things being told, and the licentiousness of the press prevents things being believed when they are told."

We have in this State an evidence of the truth of this remark. The number of Federal papers in the city and State of New York, are more than five to one to the number of Republican papers, yet the majority of the elections go always against the Federal papers; which is demonstrative evidence that the licentiousness of those papers is destitute of credit.

Whoever has made observation on the characters of nations will find it generally true that the manners of a nation, or of a party, can be better ascertained from the character of its press

than from any other public circumstance. If its press is licentious, its manners are not good. Nobody believes a common liar, or a common defamer.

Nothing is more common with printers, especially of newspapers, than the continual cry of the *Liberty of the Press*, as if because they are printers they are to have more privileges than other people. As the term *Liberty of the Press* is adopted in this country without being understood, I will state the origin of it, and show what it means. The term comes from England, and the case was as follows:

Prior to what is in England called *the Revolution,* which was in 1688, no work could be published in that country without first obtaining the permission of an officer appointed by the Government for inspecting works intended for publication. The same was the case in France, except that in France there were forty who were called *Censors,* and in England there was but one, called Imprimateur.

At the Revolution, the office of Imprimateur was abolished, and as works could then be published without first obtaining the permission of the government officer, the press was, in consequence of that abolition, said to be free, and it

was from this circumstance that the term *Liberty of the Press* arose. The press, which is a tongue to the eye, was then put exactly in the case of the human tongue. A man does not ask liberty beforehand to say something he has a mind to say, but he becomes answerable afterwards for the atrocities he may utter.

In like manner, if a man makes the press utter atrocious things, he becomes as answerable for them as if he had uttered them by word of mouth. Mr. Jefferson has said in his inaugural speech, that *"error of opinion might be tolerated, when reason was left free to combat it."* This is sound philosophy in cases of error. But there is a difference between error and licentiousness.

Some lawyers in defending their clients (for the generality of lawyers, like Swiss soldiers, will fight on either side), have often given their opinion of what they defined the liberty of the press to be. One said it was this, another said it was that, and so on, according to the case they were pleading. Now these men ought to have known that the term *liberty of the press* arose from a FACT, the abolition of the office of Imprimateur, and that opinion has nothing to do in the case. The term refers to the fact of printing *free from*

prior restraint, and not at all to the matter printed, whether good or bad. The public at large—or in case of prosecution, a jury of the country—will be judges of the matter.

THOMAS PAINE.

October 19, 1806.

AUTOBIOGRAPHICAL SKETCH

WRITTEN BY

THOMAS PAINE

FOR

HON. HENRY LAURENS

JANUARY 14, 1779

FROM THE MOORE COLLECTION
REPRODUCED BY SPECIAL PERMISSION
OF THE
LENOX LIBRARY
NEW YORK

Sir

For your Amusement I give you a short History of my Conduct since I have been in America —

I brought with me Letters of Introduction from D.r Franklin. These letters were with a flying Seal, that I might if I thought it proper close them with a wafer. One was to Mr Beache of this City. The Terms of D.r Franklin's Recommendation were "a Worthy ingenious Man". My particular design was to establish an Academy on the plan they are conducted in about London. which I was well acquainted with. I came some months before D.r Franklin. and waited here for his Arrival. In the mean Time, a person of this City desired me to give him some assistance in Conducting a Magazine, which I did without making any bargain; The Work turned out very profitable — D.r Witherspoon had likewise a concern in it. At the end of six months I thought it necessary to come to some Contract. I agreed to leave the matter to Arbitration. The Bookseller mentioned two on his own Part. Mr Duchee your late Chaplain and Mr Hopkinson — I agreed to them and declined mentioning any other on my part. But the Bookseller getting information of what Mr Duche's private opinion was, withdrew from the Arbitration; or rather refused to go into it as a new agreement to abide by it, was only Verbal. I was requested by several Librarie Gentlemen in this City to undertake such a work on my own account, and I could have rendered it very profitable.

As I have always had a taste for Science, I naturally had friends of that Cast in England, and among the rest George Lewis Scot. Esq.r these whose formal Introduction my first ac-

quaintance with Doctor Franklin commenced. I esteem Mr. Scot as one of the most amiable characters I know of. but his particular Situation had been, that in the Minority of the present Thing he was his Sub-preceptor. and from the occasional Traditionary ~~tales~~ accounts, yet remaining in the family of Mr. Scot I attained the true Character of the Present Thing from his childhood upwards, and you may naturally suppose of the present Ministry. I saw the people of this Country were all wrong, by an Ill placed Confidence. ~~I knew the design.~~ After the breaking out of hostilities I was confident their design was a total Conquest. — I wrote to Mr. Scott in May 75 by Capt. James Josiah now in this City, I read the letter to him before I closed it. I used in it this free expression "Surely the Ministry are all mad, they never will "be able to conquer America". The reception which the last petition of congress met with, put it past a doubt ~~and I~~ that such was their design, on which I determined to withmyself to ~~publish~~ write the pamphlet. Sense — As I knew the Time of the Parliament meeting, and had no doubt what Sort of Thing's speech it would produce, my contrivance was to have the pamphlet come out just at the Time the Speech might arrive in America, and so fortunate was I in this cast of Policy, that both of them made their appearance in this City on the same day

— The first edition was printed by ~~Bell~~ Bell, on the recommendation of Dr. Rush. I gave him the pamphlet on the following Conditions — That if ~~there~~ any loss should arise I would pay it — and in Order to make him industrious in Circulating it. I gave him one half the profits, if it should produce any, I gave ~~an~~ a written order to Col Joseph Dean, and Capt. Tho Prior both of this City to receive the other half, and lay it out for mittens

for the Troops that were going to Quebec. I did this to do him to the Cause. Bell kept the whole, and abused me into the bargain. The Price he set upon them was two Shillings.

I then enlarged the Pamphlet with an Appendix and an address to the Quakers; which made it one third bigger than before. Printed Six Thousand 3000 by B Towne 3000 by Cist & Steyner at my own expence, and delivered them ready Stitched and fit for Sale, to W. Bradford at the Coffee House, and tho' the work was thus increased and consequently should have borne a higher price, yet in order, that it might produce the general Service I wished, I confined W Bradford to sell them at only one Shilling each, or ten pence by the dozen. — and to enable him to do this, with sufficient advantage to himself, I let him have the pamphlets at 8 1/2 Pennsylvania Currency each. ~~I suppose~~

The Sum of 8 1/2 each, was reserved to defray the expence of Printing, Paper, Advertising &c, and such as might be given away. The State of the account at present is ~~that I am charged~~ that I am £39. 11. 0 out of Pocket, being the difference between what I have paid for printing &c and what I have received from Bradford. He has a sufficiency in his hands to balance with and clear me, which is all I aimed at, but by his unaccountable debtoriness & unwillingness to settle accounts, I fear I shall be obliged to sustain a real loss exclusive of my Trouble. —

~~By when~~ I think the importance of that Pamphlet was such that if it had not appeared, and that at the exact Time it did, that the Congress would not now have been sitting where they are. The light which that performance threw upon the Subject gave a turn to the Politics of America, which enabled her to stand her Ground — Independence followed in Six Months after it, although

before it was published, it was a dangerous doctrine to speak of and that, because it was not understood.—

In order to accommodate that pamphlet to every Man's purchase, and to do honor to the Cause, I ~~relinquished~~ gave up the profits I was justly entitled to, which in this City only would, at the usual price of Books produced me one thousand Pounds, at that Time a day, besides what I ~~made~~ might have made by extending it to other States. I gave permission, to the printers of in other parts of this State, to print it on their own Account — I believe the number of Copies, printed and Sold in America was not Short of 150,000 — and is the greatest Sale that any Performance ever had since the use of Letters; exclusive of the great run it had in England and Ireland

The Doctrine of that Book was opposed in the Public News-papers under the Signature of Cato, who, I believe was Dr. Smith and I was ~~sent~~ sent for from N York to reply to him, which I did, and happily and on with success — My letters are under the Signature of the Forrester, ~~and no further opposition was~~ It was likewise opposed by a Pamphlet signed Plain Truth, but the performance was too weak to do any hurt, or deserve any answer —

In ~~the~~ July following the Publication of Common Sense, the Associators of this State marched to Amboy under the Command of General Roberdeau — the Command was large yet there was no Allowance for a Secretary, I offered my Service volunteerly, only that my expences should be paid, and all the Charge I put Gen Roberdeau to was to make free 48 dollars. After the Association returned, I went to fort Lee, and Continued with Genl Greene till the Evacuation.

~~I came~~ a few days after our Army had crossed the Deleware on the 8th of Dec. 1776. I came to Philadelphia on public

Service, and seeing the deplorable and Melancholy [illegible] the People were in, afraid to Speak and almost to think. The public presses Stopt, and nothing in Circulation but Lears and falsehoods, I set down and in what I may call. A pession of Patriotism wrote the first Number of the Crisis. It was published on the 19th of December which was the very blackest of all times, being before the taking the Hessians at Trenton. I gave that Piece to the Printer Gratis, and confined him to the Price of two Coppers which was sufficient to defray his Charge.

I then published the 2d Number which being as large again as the first No. I gave it him on the Condition of his taking only four Coppers each. It contained 16 Pages. ~~In April I~~ I then published the 3d Number containing 32 pages and gave it to the Printer, confining him to Nine pence.

When the Account of the Bottle of Brandywine ~~arrive~~ got to this City. The People were again in a State of fear and dread, I immediately wrote the 4th No. It contained only four pages and as there was no less money than 6th of dollars in general Circulation, which would have been to great a price, I ordered 4000. to be printed at my own private charge and given away.

The 5th No. I gave Mr. Dunlap, at Lancaster, he very much against my Consent, set half a Crown upon it. He might have done it for a great deal less —

The 6th and 7th Numbers I gave in the papers — the 7th No would have made a Pamplet of 24 Pages and brought me in 3 or 4000 Thousand Dollars in a very few days, at the Price which it ought to have borne.

Turn over

Monies Rec^d Since I have been in America.

Salary for 17 Months at 70 Dollars ~~P~~ Month	1190 Dollars
For Rations and occasional Assistance at Fort Lee	141 ditto
For ~~assistance~~ defraying the expence of a Journey from East Town round by Monies when Secretary to the Indian, and some other Matters about 140. or 145 dollars	145 ditto
Total of Public Money	1476

~~Lastly~~ In the Spring 1776 Some private Gentlemen, ~~on order some expences I was at, and~~ thinking it was too hard, that I should, ~~[illegible]~~ after giving away my Profits, for a public good, be money out of pocket, on account of some expences I was put to sent me, by the hands of Mr. Christopher Marshal 108 dollars —

You have here Sir a faithful history of my Services and my Rewards —

MOORE COLLECTION
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THE DEATH OF GENERAL WOLFE *

In a mouldering cave where the wretched retreat,
Britannia sat wasted with care;
She mourned for her Wolfe, and exclaim'd against fate
And gave herself up to despair.
The walls of her cell she had sculptured around
With the feats of her favorite son;
And even the dust, as it lay on the ground,
Was engraved with the deeds he had done.

The sire of the Gods, from his crystalline throne,
Beheld the disconsolate dame,
And moved with her tears, he sent Mercury down,
And these were the tidings that came:
"Britannia forbear, not a sigh nor a tear
For thy Wolfe so deservedly loved,
Your tears shall be changed into triumphs of joy,
For thy Wolfe is not dead but removed.

*This song was written at the time of Wolfe's death, and is said to have been sung at the Headstrong Club, in Lewes, England. In several editions it is said to have been printed in *The Gentleman's Magazine*. Such is not the fact. It first appeared in Paine's *Pennsylvania Magazine*, March, 1775, with the music. It is the earliest composition of Paine which has been preserved.

"The sons of the East, the proud giants of old.
Have crept from their darksome abodes,
And this is the news as in Heaven it was told,
They were marching to war with the Gods;
A Council was held in the chambers of Jove,
And this was their final decree,
That Wolfe should be called to the armies above,
And the charge was intrusted to me.

"To the plains of Quebec with the orders I flew,
He begg'd for a moment's delay;
He cry'd 'Oh! forbear, let me victory hear,
And then thy command I'll obey.'
With a darksome thick film I encompass'd his eyes,
And bore him away in an urn,
Lest the fondness he bore to his own native shore,
Should induce him again to return."

FARMER SHORT'S DOG PORTER: A TALE

The following story, ridiculous as it is, is a fact. A farmer at New Shoreham, near Brighthelmstone, in England, having voted at an election for a member of Parliament, contrary to the pleasure of three neighboring justices, they took revenge upon his dog, which they caused to be hung, for starting a hare upon the road. The piece has been very little seen, never published, nor any copies taken.

THREE Justices (so says my tale)
Once met upon the public weal.
For learning, law, and parts profound,
Their fame was spread the county round;
Each by his wondrous art could tell
Of things as strange as Sydrophel;
Or by the help of sturdy ale,
So cleverly could tell a tale,
That half the gaping standers by
Would laugh aloud. The rest would cry.
Or by the help of nobler wine,
Would knotty points so nice define,
That in an instant right was wrong,
Yet did not hold that station long,
For while they talk'd of wrong and right,
The question vanish'd out of sight.

Each knew by practise where to turn
To every powerful page in Burn,
And could by help of note and book
Talk law like Littleton and Cōke.
Each knew by instinct when and where
A farmer caught or kill'd a hare;
Could tell if any man had got
One hundred pounds per ann. or not;
Or what was greater, could divine
If it was only ninety-nine.
For when the hundred wanted one,
They took away the owner's gun.
Knew by the leering of an eye
If girls had lost their chastity,
And if they had not—would divine
Some way to make their virtue shine.

These learned brothers being assembled,
(At which the county feared and trembled),
A warrant sent to bring before 'em,
One Farmer Short, who dwelt at Shoreham,
Upon a great and heavy charge,
Which we shall here relate at large,
That those who were not there may read,
In after days, the mighty deed:

Viz.

"That he, the 'foresaid Farmer Short,
Being by the devil moved, had not
One hundred pounds per annum got;
That having not (in form likewise)
The fear of God before his eyes,
By force and arms did keep and cherish,
Within the aforesaid town and parish,
Against the statute so provided,
A dog. And there the dog abided.
That he, this dog, did then and there
Pursue, and take, and kill a hare;
Which treason was, or some such thing,
Against our SOVEREIGN LORD THE KING."

The constable was bid to jog,
And bring the farmer—not the dog.

But fortune, whose perpetual wheel
Grinds disappointment sharp as steel,
On purpose to attack the pride
Of those who over others ride,
So nicely brought the matter round,
That Farmer Short could not be found,
Which plunged the bench in so much doubt
They knew not what to go about.

But after pondering pro and con,
And mighty reasonings thereupon,
They found, on opening of the laws,
That he, the dog aforesaid, was
By being privy to the fact,
Within the meaning of the act,
And since the master had withdrawn,
And was the Lord knows whither gone,
They judged it right, and good in law,
That he, the dog, should answer for
Such crimes as they by proof could show,
Were acted by himself and Co.
The constable again was sent,
To bring the dog; or dread the event.

Poor Porter, right before the door,
Was guarding of his master's store;
And as the constable approach'd him,
He caught him by the leg and broach'd him;
Poor Porter thought (if dogs can think)
He came to steal his master's chink.
The man, by virtue of his staff,
Bid people help; not stand and laugh;
On which a mighty rout began;
Some blamed the dog, and some the man.
Some said he had no business there,
Some said he had business everywhere.

At length the constable prevail'd,
And those who would not help were jail'd;
And taking Porter by the collar,
Commanded all the guards to follow.

The justices received the felon,
With greater form than I can tell on,
And quitting now their wine and punch,
Began upon him all at once.

At length a curious quibble rose,
How far the law could interpose,
For it was proved, and rightly too,
That he, the dog, did not pursue
The hare with any ill intent,
But only followed by the scent;
And she, the hare, by running hard,
Thro' hedge and ditch, without regard,
Plunged in a pond, and there was drown'd,
And by a neighboring justice found;
Wherefore, though he the hare annoy'd,
It can't be said that he destroy'd;
It even can't be proved he beat her,
And "to destroy" must mean "to eat her."

Did you e'er see a gamester struck,
With all the symptoms of ill luck?
Or mark the visage which appears,
When even Hope herself despairs?

So look'd the bench, and every brother
Sad pictures drew of one another;
Till one more learned than the rest
Rose up, and thus the court address'd:

"Why, Gentlemen, I'll tell ye how,
Ye may clear up this matter now,
For I am of opinion strong
The dog deserves, and should be hung.
I'll prove it by as plain a case,
As is the nose upon your face.

"Now if, suppose, a man, or so,
Should be obliged, or not, to go
About, or not about, a case,
To this, or that, or t' other place;
And if another man, for fun,
Should fire a pistol (viz.) a gun,
And he, the first, by knowing not
That he, the second man, had shot,
Should undesign'dly meet the bullet,
Against the throat (in Greek) the gullet,
And get such mischief by the hit
As should unsense him of his wit,
And if that, after that he died,
D'ye think the other may n't be tried?
Most sure he must, and hang'd, because
He fired his gun against the laws:

For 't is a case most clear and plain,
Had A not shot, B had not been slain:
So had the dog not chased the hare,
She never had been drown'd—that's clear."

This logic, rhetoric, and wit,
So nicely did the matter hit,
That Porter, though unheard, was cast,
And in a halter breathed his last.
The justices adjourned to dine,
And whet their logic up with wine.

THE MONK AND THE JEW

An unbelieving Jew one day
Was skating o'er the icy way,
Which being brittle let him in,
Just deep enough to catch his chin;
And in that woful plight he hung,
With only power to move his tongue.
A brother skater near at hand,
A Papist born in foreign land,
With hasty strokes directly flew
To save poor Mordecai the Jew—
"But first," quoth he, "I must enjoin
That you renounce your faith for mine;
There's no entreaties else will do,
'Tis heresy to help a Jew—"

"Forswear mine fait! No! Cot forbid!
Dat would be very base indeed,
Come never mind such tings as deeze,
Tink, tink, how fery hard it freeze.
More coot you do, more coot you be,
Vat signifies your faith to me?
Come tink agen, how cold and vet,
And help me out von little bit."

"By holy mass, 'tis hard, I own,
To see a man both hang and drown,
And can't relieve him from his plight
Because he is an Israelite;
The Church refuses all assistance,
Beyond a certain pale and distance;
And all the service I can lend
Is praying for your soul, my friend."

"Pray for my soul, ha! ha! you make me laugh.
You petter help me out py half:
Mine soul I farrant vill take care,
To pray for her own self, my tear:
So tink a little now for me,
'Tis I am in de hole not she."

"The Church forbids it, friend, and saith
That all shall die who had no faith."
"Vell, if I must pelieve, I must,
But help me out von little first."

ST. ALBERT'S COLLEGE LIBRARY

"No, not an inch without Amen
That seals the whole"—"Vell, hear me den,
I here renounce for coot and all
De race of Jews both great and small;
'Tis de vurst trade peneath the sun,
Or vurst religion; dat's all von.
Dey cheat, and get deir living py't,
And lie, and swear the lie is right.
I'll co to mass as soon as ever
I get to toder side the river.
So help me out, dow Christian friend,
Dat I may do as I *intend.*"

"Perhaps you do intend to cheat,
If once you get upon your feet."
"No, no, I do intend to be
A *Christian,* such a one as *dee.*"
For, thought the Jew, he is as much
A Christian man as I am such.
The bigot Papist joyful hearted
To hear the heretic converted,
Replied to the *designing* Jew,

"This was a happy fall for you:
You'd better die a Christian now,
For if you live you'll break your vow."
Then said no more, but in a trice
Popp'd Mordecai beneath the ice.

THE SNOWDROP AND THE CRITIC

To the Editor of the Pennsylvania Magazine,
1775

SIR:

I have given your very modest "Snow Drop" what, I think, Shakespeare calls "a local habitation and a name"; that is, I have made a poet of him, and have sent him to take possession of a page in your next magazine; here he comes, disputing with a critic about the propriety of a prologue.

Enter CRITIC *and* SNOW DROP.

CRITIC.

Prologues to magazines!—the man is mad,
No magazine a prologue ever had;
But let us hear what new and mighty things
Your wonder working magic fancy brings.

SNOW DROP.

Bit by the muse in an unlucky hour,
I've left myself at home, and turn'd a flower,
And thus disguised came forth to tell my tale,
A plain white snow drop gathered from the vale:
I come to sing that summer is at hand,
The summer time of wit you'll understand;

And that this garden of our magazine
Will soon exhibit such a pleasing scene,
That even critics shall admire the show
If their good grace will give us time to grow;
Beneath the surface of the parent earth
We've various seeds just struggling into birth;
Plants, fruits, and flowers, and all the smiling race,
That can the orchard or the garden grace;
Our numbers, Sir, so fast and endless are,
That when in full complexion we appear,
Each eye, each hand, shall pluck what suits its taste,
And every palate shall enjoy a feast;
The rose and lily shall address the fair,
And whisper sweetly out, "My dears, take care";
With sterling worth, the plant of sense shall rise
And teach the curious to philosophize;
The keen eyed wit shall claim the scented briar,
And sober cits the solid grain admire;
While generous juices sparkling from the vine;
Shall warm the audience until they cry—divine!
And when the scenes of one gay month are o'er,
Shall clap their hands, and shout—encore, encore!

CRITIC.

All this is mighty fine! but prithee, when
The frost returns, how fight you then your men?

SNOW DROP.

I'll tell you, Sir: we'll garnish out the scenes
With stately rows of hardy evergreens,
Trees that will bear the frost, and deck their tops
With everlasting flowers, like diamond drops;
We'll draw, and paint, and carve, with so much skill,
That wondering wits shall cry—diviner still!

CRITIC.

Better, and better, yet! but now suppose,
Some critic wight, in mighty verse or prose,
Should draw his gray goose weapon, dipt in gall,
And mow ye down, plants, flowers, trees, and all.

SNOW DROP.

Why, then we'll die like flowers of sweet perfume,
And yield a fragrance even in the tomb!

LIBERTY TREE

A Song, written early in the American Revolution

Tune—The gods of Greece.

In a chariot of light, from the regions of day,
The Goddess of Liberty came,
Ten thousand celestials directed her way,
And hither conducted the dame.
A fair budding branch from the gardens above,
Where millions with millions agree,
She brought in her hand as a pledge of her love,
And the plant she named Liberty Tree.

The celestial exotic stuck deep in the ground,
Like a native it flourished and bore;
The fame of its fruit drew the nations around,
To seek out this peaceable shore.
Unmindful of names or distinctions they came,
For freemen like brothers agree;
With one spirit endued, they one friendship pursued,
And their temple was Liberty Tree.

Beneath this fair tree, like the patriarchs of old,
Their bread in contentment they ate,
Unvexed with the troubles of silver or gold,
The cares of the grand and the great.

With timber and tar they Old England supplied,
And supported her power on the sea:
Her battles they fought, without getting a groat,
For the honor of Liberty Tree.

But hear, O ye swains ('tis a tale most profane),
How all the tyrannical powers,
Kings, Commons, and Lords, are uniting amain
To cut down this guardian of ours.
From the East to the West blow the trumpet to arms,
Thro' the land let the sound of it flee:
Let the far and the near all unite with a cheer,
In defense of our Liberty Tree.

AN ADDRESS TO LORD HOWE

The rain pours down, the city looks forlorn,
And gloomy subjects suit the howling morn;
Close by my fire, with door and window fast,
And safely shelter'd from the driving blast,
To gayer thoughts I bid a day's adieu,
To spend a scene of solitude with you.

So oft has black revenge engross'd the care
Of all the leisure hours man finds to spare;
So oft has guilt, in all her thousand dens,
Call'd for the vengeance of chastising pens;

That while I fain would ease my heart on you,
No thought is left untold, no passion new.

From flight to flight the mental path appears,
Worn with the steps of near six thousand years,
And fill'd throughout with every scene of pain,
From George the murderer down to murderous
Cain
Alike in cruelty, alike in hate,
In guilt alike, but more alike in fate,
Curséd supremely for the blood they drew,
Each from the rising world, while each was new.

Go, man of blood! true likeness of the first,
And strew your blasted head with homely dust:
In ashes sit—in wretched sackcloth weep,
And with unpitied sorrows cease to sleep.
Go haunt the tombs, and single out the place
Where earth itself shall suffer a disgrace.
Go spell the letters on some moldering urn,
And ask if he who sleeps there can return.

Go count the numbers that in silence lie,
And learn by study what it is to die;
For sure your heart, if any heart you own,
Conceits that man expires without a groan;
That he who lives receives from you a grace,
Or death is nothing but a change of place:

That peace is dull, that joy from sorrow springs
And war the most desirable of things.
Else why these scenes that wound the feeling mind,
This sport of death—this cockpit of mankind!
Why sobs the widow in perpetual pain?
Why cries the orphan, "Oh! my father's slain!"
Why hangs the sire his paralytic head,
And nods with manly grief—"My son is dead!"
Why drops the tear from off the sister's cheek,
And sweetly tells the misery she would speak?
Or why in sorrow sunk, does pensive John
To all the neighbors tell, "Poor master's gone!"

Oh! could I paint the passion that I feel,
Or point a horror that would wound like steel,
To thy unfeeling, unrelenting mind,
I'd send destruction and relieve mankind.
You that are husbands, fathers, brothers, all
The tender names which kindred learn to call;
Yet like an image carved in massy stone,
You bear the shape, but sentiment have none;
Allied by dust and figure, not with mind,
You only herd, but live not with mankind,

Since then no hopes to civilize remain,
And mild philosophy has preached in vain,
One prayer is left, which dreads no proud reply,
That he who made you breathe will make you die.

IMPROMPTU ON
BACHELORS' HALL

At Philadelphia, being destroyed by Lightning, 1775

Fair Venus so often was miss'd from the skies,
And Bacchus as frequently absent likewise,
That the synod began to inquire out the reason,
Suspecting the culprits were plotting of treason;
At length it was found they had open'd a ball
At a place by the mortals call'd Bachelors' Hall;
Where Venus disclosed every fun she could
think of,
And Bacchus made nectar for mortals to drink of.
Jove, highly displeas'd at such riotous doings,
Sent Time to reduce the whole building to ruins;
But Time was so slack with his traces and dashes,
That Jove in a passion consumed it to ashes.

THE BOSTON PATRIOTIC SONG

Tune—Anacreon in Heaven

Ye sons of Columbia who bravely have fought,
For those rights which unstain'd from your
sires have descended.

May you long taste the blessings your valor has
bought,
And your sons reap the soil which their fathers
defended;
'Mid the reign of mild peace,
May your nation increase,
With the glory of Rome, and the wisdom of
Greece;
And ne'er may the sons of Columbia be
slaves,
While the earth bears a plant or the
sea rolls its waves.

In a clime whose rich vales feed the marts of the
world,
Whose shores are unshaken by Europe's com-
motion,
The trident of commerce should never be hurl'd,
To increase the legitimate power of the ocean;
But should pirates invade,
Though in thunder array'd,
Let your cannon declare the free charter of trade,
For ne'er shall the sons, etc.

The fame of our arms, of our laws the mild sway,
Had justly ennobled our Nation in story,
Till the dark clouds of faction obscured our
bright day,

And envelop'd the sun of American glory;
But let traitors be told,
Who their country have sold,
And barter'd their God for his image in gold,
That ne'er shall the sons, etc.

While France her huge limbs bathes recumbent in blood,
And society's base threats with wide dissolution,
May Peace, like the dove who return'd from the flood,
Find an ark of abode in our mild Constitution;
But tho' peace is our aim,
Yet the boon we disclaim,
If bought by our sovereignty, justice, or fame.
For ne'er shall the sons, etc.

'Tis the fire of the flint each American warms,
Let Rome's haughty victors beware of collision!
Let them bring all the vassals of Europe in arms,
We're a World by ourselves, and disdain a division;
While with patriot pride,
To our laws we're allied,
No foe can subdue us, no faction divide;
For ne'er shall the sons, etc.

Our mountains are crown'd with imperial oak,
Whose roots like our liberty ages have nourish'd,
But long e'er the nation submits to the yoke,
Not a tree shall be left on the soil where it flourished.
Should invasion impend,
Every grove would descend,
From the hill tops they shaded, our shores to defend.
For ne'er shall the sons, etc.

Let our patriots destroy vile anarchy's worm,
Lest our liberty's growth should be check'd by corrosion,
Then let clouds thicken round us, we heed not the storm,
Our earth fears no shock but the earth's own explosion;
Foes assail us in vain,
Tho' their fleets bridge the main,
For our altars, and claims, with our lives we'll maintain.
For ne'er shall the sons, etc.

Should the tempest of war overshadow our land,
Its bolts can ne'er rend Freedom's temple asunder;

For unmoved at its portals would Washington
stand
And repulse with his breast the assaults of
the thunder.
His sword from its sleep,
In its scabbard would leap,
And conduct with its point every flash to the
deep.
For ne'er shall the sons, etc.

Let Fame to the world sound America's voice,
No intrigue her sons from their government
can sever;
Its wise regulations and laws are their choice,
And shall flourish till Liberty slumber forever.
Then unite heart and hand,
Like Leonidas' band;
And swear by the God of the ocean and land,
That ne'er shall the sons of Columbia
be slaves,
While the earth bears a plant, or the
sea rolls its waves.

HAIL GREAT REPUBLIC

Tune—Rule Britannia

HAIL great Republic of the world,
Which rear'd her empire in the West,
Where fam'd Columbus' flag unfurl'd,
Gave tortured Europe scenes of rest;
Be thou forever great and free,
The land of Love, and Liberty!

Beneath thy spreading, mantling vine,
Beside each flowery grove and spring,
And where thy lofty mountains shine,
May all thy sons and fair ones sing.
Be thou forever, etc.

From thee may hellish discord prowl,
With all her dark and hateful train;
And while thy mighty waters roll,
May heaven-descended concord reign.
Be thou forever, etc.

Where'er the Atlantic surges lave,
Or sea the human eye delights,
There may thy starry standard wave,
The constellation of thy rights!
Be thou forever, etc.

May ages as they rise proclaim
The glories of thy natal day;
And states from thy exalted name
Learn how to rule, and to obey.
Be thou forever, etc.

Let laureates make their birthdays known,
Or how war's thunderbolts are hurl'd;
'Tis ours the charter, ours alone,
To sing the birthday of a world!
Be thou forever great and free,
The land of Love and Liberty!

COLUMBIA

Tune—Anacreon in Heaven

To Columbia who, gladly reclined at her ease
On Atlantic's broad bosom, lay smiling in peace,
Minerva flew hastily sent from above,
And addrest her this message from thundering Jove:
"Rouse, quickly awake!
Your Freedom's at stake,
Storms arise, your renown'd independence to shake,
Then lose not a moment, my aid I will lend,
If your sons will assemble your rights to defend."

Roused Columbia rose up, and indignant declared,
That no nation she'd wrong'd and no nation she fear'd,
That she wished not for war, but if war were her fate,
She would rally up souls independent and great:
Then tell mighty Jove,
That we quickly will prove,
We deserve the protection he'll send from above;
For ne'er shall the sons of America bend,
But united their rights and their freedom defend.

Minerva smiled cheerfully as she withdrew,
Enraptured to find her Americans true,
"For," said she "our sly Mercury ofttimes reports,
That your sons are divided"—Columbia retorts,
"Tell that vile god of thieves,
His report but deceives,
And we care not what madman such nonsense believes,
For ne'er shall the sons of America bend,
But united their rights and their freedom defend."

Jove rejoiced in Columbia such union to see,
And swore by old Styx she deserved to be free;
Then assembled the Gods, who all gave consent,
Their assistance if needful her ill to prevent;
Mars arose, shook his armor,
And swore his old Farmer
Should ne'er in his country see aught that could harm her,
For ne'er should the sons of America bend,
But united their rights and their freedom defend.

Minerva resolved that her ægis she'd lend,
And Apollo declared he their cause would defend,
Old Vulcan an armor would forge for their aid,
More firm than the one for Achilles he made.
Jove vow'd he'd prepare,
A compound most rare,
Of courage and union, a bountiful share;
And swore ne'er shall the sons of America bend,
But their rights and their freedom most firmly defend.

Ye sons of Columbia, then join hand in hand,
Divided we fall, but united we stand;
'Tis ours to determine, 'tis ours to decree,
That in peace we will live independent and free;

And should from afar
Break the horrors of war,
We'll always be ready at once to declare,
That ne'er will the sons of America bend,
But united their rights and their freedom
defend.

FROM THE CASTLE IN THE AIR, TO THE LITTLE CORNER OF THE WORLD

In the region of clouds, where the whirlwinds
arise,
My castle of fancy was built;
The turrets reflected the blue from the skies,
And the windows with sunbeams were gilt.

The rainbow sometimes, in its beautiful state,
Enamel'd the mansion around;
And the figures that fancy in clouds can create,
Supplied me with gardens and ground.

I had grottoes, and fountains, and orange tree
groves,
I had all that enchantment has told;
I had sweet shady walks, for the Gods and their
Loves,
I had mountains of coral and gold.

But a storm that I felt not, had risen and roll'd,
While wrapp'd in a slumber I lay;
And when I look'd out in the morning, behold
My Castle was carried away.

It pass'd over rivers, and valleys, and groves,
The world it was all in my view;
I thought of my friends, of their fates, of their loves,
And often, full often of YOU.

At length it came over a beautiful scene,
That nature in silence had made;
The place was but small, but 'twas sweetly serene
And checkered with sunshine and shade.

I gazed and I envied with painful goodwill,
And grew tired of my seat in the air;
When all of a sudden my Castle stood still,
As if some attraction was there.

Like a lark from the sky it came fluttering down,
And placed me exactly in view,
When whom should I meet in this charming retreat,
This corner of calmness, but YOU.

Delighted to find you in honor and ease,
I felt no more sorrow, nor pain;
But the wind coming fair, I ascended the breeze,
And went back with my Castle again.

TO SIR ROBERT SMYTH

Paris, 1800.

As I will not attempt to rival your witty description of Love (in which you say, "Love is like paper, with a fool it is wit, with a wit it is folly"), I will retreat to sentiment, and try if I can match you there; and that I may start with a fair chance, I will begin with your own question,

WHAT IS LOVE?

'Tis that delightsome transport we can feel
Which painters cannot paint, nor words reveal,
Nor any art we know of can conceal.

Canst thou describe the sunbeams to the blind,
Or make him feel a shadow with his mind?
So neither can we by description show
This first of all felicities below.

When happy Love pours magic o'er the soul,
And all our thoughts in sweet delirium roll;
When contemplation spreads her rainbow wings,
And every flutter some new rapture brings;
How sweetly then our moments glide away,
And dreams repeat the raptures of the day;
We live in ecstacy, to all things kind,
For love can teach a moral to the mind.

But are there not some other marks that prove,
What is this wonder of the soul, call'd love?
O yes there are, but of a different kind,
The dreadful horrors of a dismal mind:
Some jealous fury throws her poison'd dart,
And rends in pieces the distracted heart.

When love's a tyrant, and the soul a slave,
No hope remains to thought, but in the grave;
In that dark den it sees an end to grief,
And what was once its dread becomes relief.

What are the iron chains that hands have
wrought?
The hardest chain to break is made of thought.
Think well of this, ye lovers, and be kind,
Nor play with torture on a tortured mind.

LINES EXTEMPORE

July, 1803

Quick as the lightning's vivid flash
The poet's eye o'er Europe rolls;
Sees battles rage, hears tempests crash,
And dims at horror's threatening scowls—

Marks ambition's ruthless king,
With crimson'd banners scathe the globe,
While trailing after conquest's wing,
Man's festering wounds his demons probe.

Pallèd with streams of reeking gore
That stain the proud imperial day;
He turns to view the Western shore,
Where freedom holds her boundless sway.

'Tis here her sage* triumphant sways
An empire in the people's love,
'Tis here the sovereign will obeys
No King but Him who rules above.

IMPROMPTU

ON A LONG-NOSED FRIEND

Going along the other day,
Upon a certain plan;
I met a nose upon the way,
Behind it was a man.

I called unto the nose to stop,
And when it had done so—
The man behind it—he came up;
They made Zenobio.

Paris, 1800.

*President Jefferson.

CONTENTMENT; OR, IF YOU PLEASE, CONFESSION

To Mrs. Barlow, on her pleasantly telling the author, that after writing against the superstition of the Scripture religion, he was setting up a religion capable of more bigotry and enthusiasm, and more dangerous to its votaries—that of making a religion of Love.

O COULD we always live and love,
And always be sincere,
I would not wish for heaven above,
My heaven would be here.

Though many countries I have seen,
And more may chance to see,
My Little Corner of the World
Is half the world to me;

The other half, as you may guess,
America contains;
And thus, between them, I possess
The whole world for my pains.

I'm then contented with my lot,
I can no happier be;
For neither world I'm sure has got
So rich a man as me.

Then send no fiery chariot down
To take me off from hence,
But leave me on my heavenly ground—
This prayer is *common-sense.*

Let others choose another plan,
I mean no fault to find;
The true theology of man
Is *happiness of mind.*

THE STRANGE STORY OF
KORAH, DATHAN, AND ABIRAM

Numbers, chap. xvi, accounted for.

Old ballads sing of Chevy Chase,
Beneath whose rueful shade,
Full many a valiant man was slain
And many a widow made.

But I will tell of one much worse,
That happ'd in days of yore,
All in the barren wilderness,
Beside the Jordan shore,

Where Moses led the children forth,
Call'd chosen tribes of God,
And fed them forty years with quails,
And ruled them with a rod.

A dreadful fray once rose among
These self-named tribes of I Am;
Where Korah fell, and by his side
Fell Dathan and Abiram.

An earthquake swallowed thousands up,
And fire came down like stones,
Which slew their sons and daughters all,
Their wives and little ones.

'T was all about old Aaron's tithes
This murdering quarrel rose;
For tithes are worldly things of old,
That led from words to blows.

A Jew of Venice has explained,
In the language of his nation,
The manner how this fray began,
Of which here is translation:

There was a widow old and poor,
Who scarce herself could keep;
Her stock of goods was very small,
Her flock one single sheep.

And when her time of shearing came,
She counted much her gains;
For now, said she, I shall be blest
With plenty for my pains.

When Aaron heard the sheep was shear'd
And gave a good increase,
He straightway sent his tithing man
And took away the fleece.

At this the weeping widow went
To Korah to complain,
And Korah he to Aaron went
In order to explain.

But Aaron said, in such a case,
There can be no forbearing,
The law ordains that thou shalt give
The first fleece of thy shearing.

When lambing time was come about,
This sheep became a dam,
And bless'd the widow's mournful heart,
By bringing forth a lamb.

When Aaron heard the sheep had young,
He staid till it was grown,
But then he sent his tithing man,
And took it for his own.

Again the weeping widow went
To Korah with her grief,
But Aaron said, in such a case
There could be no relief;

For in the holy law 't is writ,
That whilst thou keep'st the stock,
Thou shalt present unto the Lord
The firstling of thy flock.

The widow then, in deep distress,
And having naught to eat,
Against her will she killed the sheep,
To feed upon the meat.

When Aaron heard the sheep was killed
He sent and took a limb;
Which by the holy law, he said,
Pertainèd unto him;

For in the holy law 't is writ,
That when thou kill'st a beast,
Thou shalt a shoulder and a breast
Present unto the priest.

The widow then, worn out with grief,
Sat down to mourn and weep;
And in a fit of passion said,
The devil take the sheep!

Then Aaron took the whole away,
And said, the laws record
That all and each devoted thing
Belongs unto the Lord.

The widow went among her kin,
The tribes of Israel rose,
And all the widows, young and old,
Pull'd Aaron by the nose.

But Aaron called an earthquake up,
And fire from out the sky;
And all the consolation is—
The Bible tells a lie.

A COMMENTARY ON

THE EASTERN WISE MEN,

Traveling to Bethlehem, guided by a Star, to see the little Jesus in a Manger, as recorded in the Gospel of Matthew.

THREE pedlers traveling to a fair,
To see the fun and what was there,
And sell their merchandise;
They stopp'd upon the road to chat,
Refresh, and ask of this and that,
That they might be more wise.

"And pray," the landlord says to them,
"Where go ye, sirs?" "To Bethlehem,"
The citizens replied.
"You're merchants, sirs," to them said he,
"We are," replied the pedlers three,
"And Eastern men beside."

"I pray, what have you in your packs?
If worth the while I will go snacks,"
To them quoth Major Domo;
"We've buckles, buttons, spectacles,
And everything a merchant sells,"
Replied the traveling trio.

"These things are very well," said he,
"For beaux and those who cannot see
Much further than their knuckles;
But Bethlehem fair 's for boys and girls
Who never think of spectacles,
And cannot buy your buckles:

"I have a pack of toys," quoth he,
"A traveling merchant left with me,
Who could not pay his score,
And you shall have them on condition
You sell them at a cheap commission,
And make the money sure."

"There's one of us will stay in pawn,
Until the other two return,
If you suspect our faith," said they;
The landlord thought this was a plan
To leave upon his hands the man,
And therefore he said "Nay."

They truck'd however for the pack,
Which one of them took on his back,
And off the merchants traveled;
And here the tale the apostles told
Of wise men and their gifts of gold,
Will fully be unraveled.

The star in the East that shines so bright,
As might be seen both day and night,
If you will credit them,
It was no other than a sign
To a public house where pedlers dine,
In East Street, Bethlehem.

These wise men were the pedlers three,
As you and all the world may see,
By reading to the end;
For commentators have mistook,
In paraphrasing on a book
They did not understand.

Our travelers coming to a house,
Scarce fit to entertain a mouse,
Inquired to have a room;
The landlord said he was not able,
To give them any but a stable,
So many folks were come.

"I pray, whom have you here," say they,
"And how much money must we pay,
For we have none to spare."
"Why, there's one Joseph and a wench,
Who are to go before the bench
About a love affair.

"Somehow or other, in a manger,
A child exposed to every danger
Was found, as if 't was sleeping:
The girl she swears that she 's a maid,
So says the man, but I'm afraid
On me will fall the keeping:

"Now if you 'll set your wits about
To find this knotty matter out,
I 'll pay whate'er it may be."
Then on the trav'ling pedlers went,
To pay their birthday compliment,
And talk about the baby.

They then unpack'd their pack of toys,
Some were for show and some for noise,
But mostly for the latter;
One gave a rattle, one a whistle,
And one a trumpet made of gristle,
To introduce the matter:

One squeaked away, the other blew,
The third played on the rattle too,
To keep the bantling easy;
And hence this story comes to us,
Of which some people make such fuss,
About the Eastern Magi.

THE WILL OF THOMAS PAINE

The People of the State of New York, by the Grace of God, Free and Independent, to all to whom these presents shall come, or may concern, SEND GREETING:

KNOW YE, That the annexed is a true copy of the will of THOMAS PAINE, deceased, as recorded in the office of the surrogate, in and for the city and county of New York. In testimony whereof, we have caused the seal of office of our said surrogate to be hereunto affixed. Witness, Silvanus Miller, Esq., surrogate of said county, at the city of New York, the twelfth day of July, in the year of our Lord one thousand eight hundred and nine, and of our independence the thirty-fourth.

SILVANUS MILLER.

THE WILL

THE last Will and Testament of me, the subscriber, Thomas Paine, reposing confidence in my Creator, God, and in no other being, for I know of no other, nor believe in any other. I, Thomas Paine, of the State of New York, author of the work entitled "Common Sense," written in

Philadelphia, in 1775, and published in that city the beginning of January, 1776, which awaked America to a declaration of independence on the fourth of July following, which was as fast as the work could spread through such an extensive country; author also of the several numbers of the "American Crisis," thirteen in all; published occasionally during the progress of the Revolutionary War—the last is on the peace; author also of "Rights of Man," parts the first and second, written and published in London, in 1791 and 1792; author also of a work on religion, "Age of Reason," parts the first and second—N. B. I have a third part by me in manuscript, and an answer to the Bishop of Llandaff; author also of a work, lately published, entitled "Examination of the Passages in the New Testament, Quoted from the Old, and called Prophecies concerning Jesus Christ, and showing there are no Prophecies of any such Person;" author also of several other works not here enumerated, "Dissertations on First Principles of Government—Decline and Fall of the English System of Finance —Agrarian Justice, etc., etc., make this my last will and testament, that is to say:

I give and bequeath to my executors hereinafter appointed, Walter Morton and Thomas Ad-

dis Emmet, thirty shares I hold in the New York Phoenix Insurance Company, which cost me fourteen hundred and seventy dollars, they are worth now upwards of fifteen hundred dollars, and all my movable effects, and also the money that may be in my trunk or elsewhere at the time of my decease, paying thereout the expenses of my funeral, IN TRUST as to the said shares, movables, and money, for Margaret Brazier Bonneville, wife of Nicholas Bonneville, of Paris, for her own sole and separate use, and at her own disposal, notwithstanding her coverture.

As to my farm in New Rochelle, I give, devise, and bequeath the same to my said executors, Walter Morton and Thomas Addis Emmet, and to the survivor of them, his heirs and assigns forever, IN TRUST nevertheless, to sell and dispose of the north side thereof, now in the occupation of Andrew A. Dean, beginning at the west end of the orchard, and running in a line with the land sold to —— Coles, to the end of the farm, and to apply the money arising from such sale as hereinafter directed.

I give to my friends Walter Morton, of the New York Phoenix Insurance Company, and Thomas Addis Emmet, counselor at law, late of Ireland, two hundred dollars each, and one hun-

dred dollars to Mrs. Palmer, widow of Elihu Palmer, late of New York, to be paid out of the money arising from said sale; and I give the remainder of the money arising from that sale, one-half thereof to Clio Rickman, of High or Upper Mary-le-Bone Street, London, and the other half to Nicholas Bonneville, of Paris, husband of Margaret B. Bonneville, aforesaid: and as to the South part of the said farm, containing upwards of one hundred acres, in trust to rent out the same, or otherwise put it to profit, as shall be found most advisable, and to pay the rents and profits thereof to the said Margaret B. Bonneville, in trust for her children, Benjamin Bonneville, and Thomas Bonneville, their education and maintenance, until they come to the age of twenty-one years, in order that she may bring them well up, give them good and useful learning, and instruct them in their duty to God, and the practise of morality; the rent of the land, or the interest of the money for which it may be sold, as hereinafter mentioned, to be employed in their education.

And after the youngest of the said children shall have arrived at the age of twenty-one years, in further trust to convey the same to the said

children, share and share alike, in fee simple. But if it shall be thought advisable by my executors and executrix, or the survivors of them, at any time before the youngest of the said children shall come of age, to sell and dispose of the said south side of the said farm, in that case I hereby authorize and empower my said executors to sell and dispose of the same, and I direct that the money arising from such sale be put into stock, either in the United States Bank stock, or New York Phoenix Insurance Company stock, the interest or dividends thereof to be applied as is already directed for the education and maintenance of the said children, and the principal to be transferred to the said children, or the survivor of them, on his or their coming of age.

I know not if the Society of people called Quakers, admit a person to be buried in their burying ground, who does not belong to their Society, but if they do, or will admit me, I would prefer being buried there; my father belonged to that profession, and I was partly brought up in it. But if it is not consistent with their rules to do this, I desire to be buried on my own farm at New Rochelle.

The place where I am to be buried, to be a

square of twelve feet, to be enclosed with rows of trees, and a stone or post and rail fence, with a headstone with my name and age engraved upon it, author of "Common Sense." I nominate, constitute, and appoint Walter Morton, of the New York Phoenix Insurance Company, and Thomas Addis Emmet, counselor at law, late of Ireland, and Margaret B. Bonneville, executors and executrix to this my last will and testament, requesting the said Walter Morton and Thomas Addis Emmet, that they will give what assistance they conveniently can to Mrs. Bonneville, and see that the children be well brought up. Thus placing confidence in their friendship, I herewith take my final leave of them and of the world.

I have lived an honest and useful life to mankind; my time has been spent in doing good, and I die in perfect composure and resignation to the will of my Creator, God. Dated the eighteenth day of January, in the year one thousand eight hundred and nine; and I have also signed my name to the other sheet of this will, in testimony of its being a part thereof.

THOMAS PAINE.

Signed, sealed, published, and declared by the

testator, in our presence, who, at his request, and in the presence of each other, have set our names as witnesses thereto, the words "published and declared" first interlined.

WM. KEESE,
JAMES ANGEVINE,
CORNELIUS RYDER.

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